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ABSTRACT

Hearings on proposed changes in Title IV of the Indian Education Act were held in Washington, D.C. on February 22, 1983. Witnesses representing American Indian tribes and students presented testimony regarding the Administration's proposed rescision and subsequent elimination of Title IV programs in fiscal 1984. Representatives of the National Congress of American Indians, United Indians of All Tribes Foundation, National Urban Indian Council, Association of Contract Tribal Schools, Mississippi Band of Choctaws, All Indian Pueblo Council, Navajo Tribal Council, Robeson (NC) County Schools, Tribal Education Department of Fort Belknap (MT) Community Council, Zuni (NM) Public Schools, Tulsa (OK) Public Schools, Minneapolis (MN) Public Schools, Coeur d'Alene (ID) Tribal School, Native American Graduate Fellowship Program at Montana State University, and the Office of Indian Education unanimously opposed the proposed changes. Witnesses discussed American Indian education needs assessments, parent participation in Indian education, school district budgets, the difficulties of educating minority students in public schools, educational services provided under Title IV, the need for the continuation of Title IV, and the possible effects of the termination of Title IV. (SB)

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INDIAN EDUCATION ACT—TITLE IV

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HEARING

BEFORE THE

SUBCOMMITTEE ON ELEMENTARY, SECONDARY AND VOCATIONAL EDUCATION

OF THE

COMMITTEE ON EDUCATION AND LABOR HOUSE OF REPRESENTATIVES

NINETY-EIGHTH CONGRESS

FIRST SESSION

HEARING HELD IN WASHINGTON, D.C. ON FEBRUARY 22, 1983

Printed for the use of the Committee on Education and Labor

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INDIAN EDUCATION ACT—TITLE IV

TUESDAY, FEBRUARY 22, 1983

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON ELEMENTARY, SECONDARY AND VOCATIONAL EDUCATION, COMMITTEE ON EDUCATION AND LABOR,

Washington, D.C.

The subcommittee met, pursuant to call, at 9:30 a.m., in room 2175, Rayburn House Office Building, Hon. Dale E. Kildee presiding.

Members present: Representatives Kildee, Kogovsek, Martinez, Packard, and Bartlett.

Staff present: Alan R. Lovesee, counsel; S. Jefferson McFarland, assistant counsel; Marilyn Hargett, counsel; L. Brown Worthington, associate clerk; Kimberlee Spicer, staff member; Richard DiEugenio, legislative director, and Electra Beahler, education counsel.

Mr. KILDEE. I will call the committee to order this morning. I am delighted and honored to assume the leadership of conducting these oversight hearings for Chairman Carl Perkins.

Today we will hear from witnesses representing Indian tribes and students served by Indian Education Act programs. These programs, enacted in 1972, have been a major and critical source of funding for programs that meet the culturally related academic needs of Indian students.

In the past 8 years, thousands of Indian children in public schools have received services which have greatly increased their learning experience. Moreover, part A programs have shown two specific traits. They have substantially improved retention and dropout percentages in many districts.

The requirement for parental input in design and operation has allowed for special programs to meet local needs and has established needed dialog between the Indian and non-Indian communities.

Of particular note are their effect on Indian-controlled contract schools and model, experimental education programs. The part A, 10-percent competitive setaside, along with the part B experimental grants and, since 1978, the eligibility for part A entitlement payments, have been a major source of basic support funds for contract schools.

Though they have not made up completely for inadequate BIA "indirect cost" funding, committee research and past hearings show that many Indian-controlled schools could not have functioned without this money. This has directly and substantially contributed to the goal of self-determination.

Also of special note are the part B and C programs. Other statutory restrictions do not allow Indian tribes to participate in such programs as chapter II of ECIA. Therefore, these title IV programs have been the only source of funds for experimental and developmental work available to most tribes or organizations.

Now the administration proposes to terminate this program. They asked for a rescision this year back to $51 million and for next year, they have requested only $1.2 million to phase out the program entirely. The major reasons given by the administration are that, first, the administration feels that the United States should use the narrowest definition possible when determining which Indian people to assist, and second, they claim there is no need for these programs.

This latter rationale seems to be based on a belief that other Federal programs fund the same activities (though admittedly not in the same way) and that, basically, it is up to the State or localities to meet Indian needs. It is obvious, on its face, this rationale has no application to parts B and C.

This decision to end the program was, like so many others in this administration, made without consultation with the Indian community. However, I do not believe that such a decision can or should be made in such a fashion.

Whenever we are dealing with the Indians of this country, whether it be in education or other fields, the Federal Government, as part of its special relationship, has an obligation to consult with the Indians before they act, to get input and be advised, and I would say, receive the consent of the Indian community.

Therefore, we have called this hearing for the specific purpose of soliciting the reaction to the President's proposal of those most directly affected in the Indian community. This reaction will, I am sure, be instrumental in shaping our response to the President's decision.

The President proposes and the Congress disposes and we are anxious to get the input from the Indian community, the inputs that the administration was unwilling to obtain themselves.

Our first panel will consist of people from national Indian organizations, Mr. Ron Andrade, the executive director of the National Congress of American Indians; and Ms. Joyce Reyes, executive director, United Indians of All Tribes Foundation; Mr. Gregory Frazier, chief executive, National Urban Indian Council; Mr. Roger Bordeaux, president of the Association of Contract Tribal Schools, and also the director of the Saint Francis School, Saint Francis, S. Dak.

Also, with the indulgence of the panel, I ask Mr. Phillip Martin, chairman of the Mississippi Band of Choctaws to come forward. He has another meeting which he must leave for immediately, and with your indulgence, we will have him go first so that he can make that other meeting.

Mr. Martin.

STATEMENT OF PHILLIP MARTIN, CHAIRMAN, MISSISSIPPI BAND OF CHOCTAWS

Mr. MARTIN. Thank you, Mr. Chairman. I have two subjects to cover this morning briefly. The first is a statement of why we feel

that the title IV program should continue and also to make aware to you that there is some data on adult American Indians and Alaskan Natives and Indians living in Hawaii. I would like to elaborate on those two subjects.

For the Mississippi Choctaws, of which I am the Chief, the title IV program has been a godsend. The only education available to the Choctaws in Mississippi is the Bureau of Indian Affairs. We are locked in on the ISEF program, but title IV gives us an opportunity to innovate and provide services, educational services, to our young people.

So we are able to conduct a comprehensive adult education program under part C supplementary educational services, pre-school demonstration projects, Choctaw Tribal Government study, college preparation education, which has really been very good for our young people.

The important thing here, just briefly, is that for the last 15 years, the tribe has had a high priority placed on economic development. We have come up to a plateau where we have three industries on the reservation, employing over 500 individuals. These are private-sector jobs.

This makes it more important that our young people attain better education than they do. Most of these workers in these plants are semi-skilled Choctaw people. There is room for professional, management, such things as engineers, managers, accountants, a whole range of professional positions are available right there on the reservation. We do not have people adequately trained for these positions.

So we need to continue these programs and even enlarge them. This is one of the reasons, and all of this is in the statement that I have, and I would like to make that part of the record.

Mr. KILDEE. Without objection, that will be included totally in the record.

Mr. MARTIN. Yes.

The other item that I want to speak about was the survey that my firm, a private consultant firm, conducted in 1970 through 1980. One of the reasons why the administration wants to cease services is that there is no need. Well, I do not think they have tried to show any need because there is a lot of documentation available that would show all kinds of need.

For instance, a study was made, as I said, called the Status of Educational Obtainment and Performance of Adult American Indians and Alaskan Natives. This was a 3-year grant provided by the Office of Indian Education and this is a comprehensive study. Information that is not available anywhere else on American Indians. This is the only comprehensive survey that has ever been made to my knowledge that has a whole range of information. That is sitting in the Office of Education and collecting dust.

It was presented to the Secretary on August 1981. We have tried to get some money to disseminate this throughout the Indian country, but it has never been done.

For instance, the survey consists of parts, various parts, but it also includes the demographic characteristics of a household, the biographic characteristics of the respondent, the respondent's involvement in Indian cultural activities, the respondent's language skill in

English and other languages, the respondent's educational involvement, the respondent's employment profile, the respondent's income and economic self-sufficiency, the respondent's health profile, the respondent's life satisfaction, the number of types of participants, the program characteristics, program costs, administration and staffing, and support systems.

The area represented in the performance test includes health, community resource, law, consumer education, occupation knowledge, interpretation of facts and figures, writing, computation problem-solving and last, reading.

So we do have a lot of information here that I think, even if it is not in use now, will be a source of comparison as the years go on. Twenty years from now, we are still going to be talking about Indian education, the needs, probably, and here you have a study that was done in the late 1970's that will be a comparison to what is going on 20 or 30 years from now.

It is a shame that this information is not being used by anyone.

Mr. KILDEE. Was that document submitted to the Department of Education?

Mr. MARTIN. Yes, sir, it was.

Mr. KILDEE. And you say it is gathering dust over at the Department of Education?

Mr. MARTIN. It was submitted in August of 1981.

Mr. KILDEE. We would like for our files a copy of that document if you can obtain one?

Mr. MARTIN. Yes, I can give it to you right now. I have a copy of the Journal of American Indian Education conducted by Rodney Brod and John McQuiston of the University of Montana, who are part of the survey. They provided technical assistance and wrote the information up.

Mr. KILDEE. If you will submit that for our files, I give you my personal assurance that it will not gather dust in this committee.

[The information referred to follows:]

[From the Journal of American Indian Education]

AMERICAN INDIAN ADULT EDUCATION AND LITERACY: THE FIRST NATIONAL SURVEY

(Rodney L. Brod and John M. McQuiston)

The National Indian Management Service of America, Inc. (NIMS) a nonprofit, Indian owned and controlled consulting firm was funded over a three year period (1977-1980) by the United States Office of Education/Office of Indian Education (USOE/OIE) to conduct the first national study identifying and accurately describing the extent of problems of illiteracy and the lack of high school completion among adult American Indians, Aleuts, and Eskimos.* To achieve a national sample representative of American Indian adults, the research included data derived from cluster samples of counties (census districts in Alaska and Hawaii) throughout the United States. Structured interviews were designed to provide information on the functional literacy, educational attainment, and social indicators of adult Indians and to describe federal and state supported programs providing adult education services. The results of this study have important implications for the future of Indian education: for the first time in history, a national data base accurately assessing the functional literacy, educational attainment and expressed needs of American Indian adults can assist educators, legislators, tribal decision-makers and others in their efforts toward better educational quality, Indian self-determination, and to achieve the goals, purposes, and funding levels necessary to enhance the educational programs of all Indians, Aleuts and Eskimos of this nation.

While American Indians remain at the bottom of almost every socio-economic scale, virtually no attention within federal and state bureaucracies has been given to the systematic collection of information that would carefully 1) assess the educational needs of American Indian adults, 2) examine the accessibility of existing federal and state adult education programs to Indians, and 3) analyze the degree of relationship between adult educational services and levels of functional literacy and educational attainment among Indian adults.

This lack of an adequate data base with which to make decisions gave rise to the National Adult Indian Education Needs Survey conducted by the National Indian Management Service, Inc. (1981). Conducted under three different grants from the U.S. Department of Education, the project was designed in order that the Office of Indian Education could make operational decisions about services and funding levels, to better develop policy, and to assess the relationship between social condition, education and literacy.

OBJECTIVES

Building on the general Adult Performance Level (APL) survey (Northcutt 1973, 1975) and a previous assessment of Indian adult educational status in Oklahoma (Hall, 1976) the primary purpose of the NIMS study was to provide USOE/OIE decision-makers with an accurate assessment of the overall adult education needs of American Indians, Aleuts and Eskimos. Specifically, the research:

Identified national and regional levels of functional literacy and of educational attainment and needs of adult Indians described by various social indicators;

Provided information on the operations of federal and state ABE/GED programs and the extent to which these programs are providing services to adult Indians;

Analyzed the relationship of certain social indicators and education services to levels of adult Indian functional literacy and educational attainment; and

Summarized possible policy and program implications and recommendations for addressing the educational needs of all Indians.

METHODOLOGY

As Indian education consists of population of users and potential users of educational systems and educational systems service providers, data from both recipients, potential recipients, providers and potential providers had to be obtained. For adult Indian educators, providers tend to be defined in terms of State Education Agency (SEA) programs that administer or supervise all non-federal adult Indian education programs in the fifty states; and Indian Education Act (IEA) programs, which are responsible for federal adult Indian education programs. Defining both participant and potential participant populations consisted of inventorying and sampling not just the adult education program participants but all adult Indians. Therefore, the entire United States population had to be surveyed through a national probability sample of all adult Indians.

There were two major thrusts of the NIMS research. The first involved conducting a national home interview study of some four thousand adult Indians selected at random. A structured interview containing hundreds of questions on major components of the respondent's life, history, social conditions and a performance level examination was administered to each interviewee. The second consisted of a structured instrument, designed to assess educational delivery systems which was mailed to providers of adult education which were classified as either a State Education Agency or Indian Education Act project.

SEA/IEA SURVEYS

The State Educational Agencies (SEA) survey was designed to describe each state administered education program and its program participants, staffing patterns and services provided, community involvement, the relationship between adult educational needs and program availability, factors influencing the decision process in adult educational program development and operation, and an analysis of why adults attend state administered adult educational programs. Similarly, the Indian Education Act (IEA) survey was designed to describe each IEA project within its local Indian community, community involvement in and reactions to project programs, characteristics of personnel and participants, and accessibility and success of programs. To supplement the general survey information regarding all IEA/SEA programs, additional data were obtained from the Office of Indian Education.

HOME INTERVIEW

The home interview sample consisted of random adult Indians selected within age and sex quota restrictions from random households within counties (census districts in Alaska and Hawaii) stratified by population where 250 or more Indians resided in 1970. Indian interviewers were responsible for making certain that the respondent selected from the sample household fit within specified representative age/sex quotas for their interview area. The 4,095 cases selected were representative of the United States adult Indian population in terms of age, sex, region and the population size of the county in which they lived.

The home interview was developed through a thorough literature search in keeping with the goals of the project and incorporated the following eleven kinds of information:

(1) Demographic characteristics of household members;
(2) Demographic characteristics of the respondent;
(3) Respondent's involvement in Indian cultural activities;
(4) Respondent's language skills in English and other languages;
(5) Respondent's recent educational involvement;
(6) Respondent's employment profile;
(7) Respondent's income and economic self-sufficiency;
(8) Respondent's health profile;
(9) Adult Performance Level of the respondent;
(10) Life Satisfaction of the respondent; and
(11) Interviewer's comments on the success of the interview.

Once data for both the adult Indian population and the educational service providers were obtained, perceived or implied educational need could be associated with available programs and program experiences from both the user's and provider's point of view to determine the extent to which educationally appropriate programs existed and to describe programmatic need.

RESULTS

Formal education

The profile of adult American Indians is characterized by a median education substantially lower than found among any other ethnic or racial group which has not recently immigrated into the United States. As shown in Table 1, the median education of the Indian population is less than the completion of high school while the United States population enjoys a median education that includes some college (one year or more). Relative to the Mississippi river, western Indians tend to have a greater number of years of formal education than do eastern Indians but the differences between the distributions are only slight. Few Indian American adults have attended college and only 57 percent have a high school diploma or its equivalent (see Table 2).

TABLE 1.—FORMAL EDUCATION OF U.S. INDIANS

Years of formal education	Total indian population		Indians residing in the East		Indians residing in the West	
	No.	percent	No.	percent	No.	percent
0	187	4.88	39	5.29	148	4.78
1 to 6	281	7.34	81	10.95	200	6.47
7	124	3.24	30	4.07	94	3.04
8	260	6.79	54	7.33	206	6.66
9	320	8.36	67	9.09	253	8.18
10 to 11	753	19.66	141	19.13	612	19.79
12	1,080	28.20	196	26.59	884	28.58
13 to 15	634	16.55	96	13.03	538	17.39
16	113	2.95	20	2.71	93	3.01
17+	78	2.04	13	1.76	65	2.10
Total	3,830	100	737	100	3,093	100
Percent of total population		100		19.24		80.76

TABLE 2.—HIGH SCHOOL ATTAINMENT OR EQUIVALENCY

Item Content: Did You Receive a High School Diploma or Pass a High School Equivalency Exam?

	Nation	East	West
Yes, high school diploma	1,762	303	1,459
	[1] (46.8)	(42.1)	(47.9)
Yes, equivalency test	381	67	314
	(10.1)	(9.3)	(10.3)
No	1,622	349	1,273
	(43.1)	(48.5)	(41.8)
Subtotal	3,765	719	3,046
	(98.3)	(97.6)	(98.5)
Missing cases	65	18	47
	(1.7)	(2.4)	(1.5)
Total	3,830	737	3,093
	(100)	(100)	(100)

[1] Percentage in parenthesis.

TABLE 3.—EDUCATION SATISFACTION OF U.S. INDIANS

	Total Indian population		Indians residing in the East		Indians residing in the West	
	No.	Percent	No.	Percent	No.	Percent
Dissatisfied with their education (D17 = 5, 6, 7)	1,267	32.08	260	35.28	1,007	32.56
Feel that they need more education (D10 = No)	3,011	78.02	548	74.36	2,463	79.63
Would have liked a different education (D16 = Yes)	2,576	67.26	509	69.06	2,067	66.83

Looking at the measures of educational satisfaction, Table 3, one-third of all adult Indians are dissatisfied with the education that they have received. More than three-fourths of them would have liked to have had more education, with Indians west of the Mississippi more inclined to feel that need than those in the east. In addition, two-thirds of the adult Indian population feel that they received an inappropriate education for the kinds of occupations and lives that they wanted to lead. Given the number of years of formal education received, about three years fewer than those completed by the U.S. population as a whole, it is not at all surprising that Indians reflect dissatisfication levels as high as this.

Adult proficiency levels (APL)

Adult proficiency in the use of knowledge acquired in school and elsewhere was measured through the administration of questions selected from each of the ten dimensions in Northcutt's Adult Performance Level inventory. The original APL inventory was designed for use nationally but was not specfically relevant to Indian language or culture. In order to increase the understanding and reduce the length of the interview, fifty-seven questions were redrafted so as to better reflect contexts, terms or situations more common to Indian life and culture. Thus, we can assume that as the questions were selected and then modified to reflect Indian culture and life, it is likely that if bias were introduced it would be expressed through higher scores on each of the ten indexes as compared with national data.

Table 4, Scales A through J, show the correspondence to levels of proficiency on the ten indexes of performance for the U.S. population as measured by Northcutt and for our sample as divided, east and west. The levels are divided into three categories by percent of the items answered correctly, where: 1 = 0 to 50 percent, 2 = 51 percent to 75 percent, and 3 = 76 percent to 100 percent.

TABLE 4.—U.S. NORMS AND ADULT INDIAN PERFORMANCE AS MEASURED BY THE ADULT PERFORMANCE LEVEL INSTRUMENT

(In percent)

Level	U.S. norm	U.S. Indian Population		
		Total	East	West
A. Health:				
1	15.5	54.4	41.1	57.6
2	39.9	23.2	29.3	21.7
3	44.6	22.4	29.6	20.7
Total	100	100	100	100
B. Community resoruces:				
1	14.3	46.6	28.9	50.8
2	31.1	16.2	24.8	14.1
3	54.6	37.2	46.3	35.1
Total	100	100	100	100
C. Law:				
1	19.5	51.9	38.2	55.1
2	51.6	23.2	32.0	21.1
3	28.9	24.9	29.8	23.8
Total	100	100	100	100
D. Consumer education:				
1	15.6	47.9	34.4	51.2
2	38.6	21.6	28.8	19.8
3	45.8	30.5	36.8	29.0
Total	100	100	100	100
E. Occupational knowledge:				
1	15.2	48.6	37.1	51.4
2	32.5	17.6	19.8	17.1
3	52.3	33.8	43.1	31.5
Total	100	100	100	100
F. Interpretation of facts and figures:				
1		48.4	31.6	52.4
2		18.3	21.8	17.4
3		33.3	46.6	30.2
Total		100	100	100
G. Writing [1]				
1		49.8	36.4	52.9
2		18.4	25.8	16.7
3		31.8	37.8	30.4
Total		100	100	100
H. Computation [1]				
1		52.7	40.0	55.7
2		21.0	25.5	19.9
3		26.3	34.5	24.4
Total		100	100	100
I. Problem solving [1]				
1		48.0	29.5	52.4
2		27.3	37.5	24.8
3		24.7	33.0	22.8
Total		100	100	100
J. Reading [1]				
1		48.9	38.1	51.5
2		18.5	23.3	17.4
3	32.6	38.6	31.1	.....
Total		100	100	100

[1] There are no national norms available for these indexes.

For skills for which there are national norms, Health, Community Resources Law, Consumer Education and Occupational Knowledge, there can be no question that U.S. Indians lag far behind the nation as a whole. As well, regardless of scale, western Indians have substantially lower percents in Level 2 and 3 than do those in the east. Their ability to demonstrate knowledge results in scores that for some scales are less than half those found in the national norm. It is important to remember here that we would have expected Indians who possessed normative abilities to meet the national norm or to exceed it because of possible induced bias in the APL items used after cultural translation. These low levels of performance, whether east or west are indicators or deficiencies in both formal and informal educational sub-systems.

The most devastating interpretation of these data comes when one considers that Indians are competing for jobs, participating in the quality of life and reaping the benefits of late twentieth century life in the United States. Yet Indians are at such a disadvantage as compared to the U.S. population as a whole that they cannot be considered a serious contender for jobs, of understanding contemporary life, taking advantage of health benefits, being effective consumers and availing themselves of legal remedies where they might, knowing what occupations they might train for or what training is probably required; nor are they in likelihood comparably proficient in the 3R's as measured by Reading, Writing and Computation indexes.

Now if knowledge is measured by the scores of the 3R's portion of the Adult Performance Level examination, adult Indians are able to answer only about three-fifths of those items correctly (Table 5) with eastern Indians far exceeding the performance of those who reside in the west. If converted to differences in scores, eastern Indians answered nine more questions correctly than did those in the west, 55 percent more. In addition, average tribal performance varied from scores of 22 percent to 97 percent on the literacy dimensions where, if one were to answer the same questions at random, a score of 25 percent would be expected. The average score was about 52 percent, while the national norm for the U.S. population as a whole was in the eighties.

Thus, performance on the Adult Performance Level examination was tragically low, the riciprocal of what one would expect from the American adult population as a whole. At the same time, literacy, as measured by the reading, writing and arithmetic dimensions of the examination, did not increase importantly as years of formal education increased; rather it even declined among those with advanced degrees.

Indeed, if we had left the column heading to the tables in this article blank and allowed the reader to supply his or her own headings where the Indian population now is shown, one might have assumed the data to be from Developing Nations (in the case of the Indians) or from Underdeveloped ones (in the case of the west). In late twentieth century America, this is certainly an indictment of the cummulative effects of social differentiation and of a social and political system or systems that would allow this condition to exist.

Sources of educational attainment

Sources or types of adult educational attainment were derived by combining the results of the item in Table 2—"Did you receive a high school diploma or pass a high school equivalency test?" with—"Have you attended or been enrolled in the ABE/GED/SEA Program administerd by the state of ———, the local school or any community or Indian group?"

TABLE 5.—ADULT PERFORMANCE LEVEL THREE R'S PROFICIENCY OF U.S. INDIANS

	Median percent of 3R's questions answered correctly	Number of questions that percent represents
Total Indian population	56.31	20 of 36.
Indians residing in the east [1]	70.13	25 of 36.
Indians residing in the West	45.79	16 of 36.

[1] Based on 692 observations.

Note: A score of 25 percent would be expected by chance if the answers to all questions were guesses.

TABLE 6.—U.S INDIANS WHO HAVE BEEN ENROLLED IN OR ATTENDED ABE/GED/SEA PROGRAM ADMINISTERED BY THEIR STATE, LOCAL SCHOOL OR ANY COMMUNITY AGENCY OR INDIAN GROUP

	Nation	East	West
Public grade or high school	204	25	179
	[1] (5.6)	(3.6)	(6.1)
Public 2-year college or technical institute	105	4	101
	(2.9)	(0.6)	(3.4)
Private vocational, trade or business school	113	17	96
	(3.1)	(2.4)	(3.3)
4-year college or university	81	11	70
	(2.2)	(1.6)	(2.4)
Other (indian group or community agency)	273	107	166
	(7.5)	(15.3)	(5.6)
No (not in ABE/GED/SEA programs)	2,873	534	2,239
	(78.7)	(76.5)	(79.3)
Subtotals	3,649	698	2,951
	(95.3)	(94.7)	(95.4)
Missing cases	181	39	142
	(4.7)	(5.3)	(4.6)
TOTALS	3,830	737	3,093
	(100)	(100)	(100)

[1] Figures in parenthesis equal percent.

Table 6 shows that only about one-fifth (21 percent of adult Indians have ever attended or been enrolled in an ABE/GED/SEA program. Of those enrolled throughout the nation, most (35 percent) tend to be found in programs operated by Indian groups and community agencies, followed by public grade or high schools (26 percent), private vocational schools (15 percent), public 2-year colleges (14 percent), and 4-year colleges or universities (10 percent). The national pattern however, does not fit the regional profiles. This is especially true for eastern programs where nearly two-thirds (65 percent) of them are operated by Indian groups and community agencies, followed by public grade or high schools (15 percent), private vocational schools (10 percent), and 4-year colleges or universities (7 percent). Only 2 percent of eastern Indians were enrolled in public 2-year college programs. In the west, a much lower percentage of adult Indians were enrolled in programs operated by Indian groups and community agencies (only 27 percent) and more (29 percent) attended programs in public grade schools or high schools; some adults also used programs in public 2-year colleges (17 percent), private vocational schools (16 percent), and 4-year colleges or universities (11 percent). Thus, Indians in western states have had to rely more upon adult education programs operated by outside institutions, whereas eastern Indians depend almost entirely upon local Indian groups and community agencies to fulfill their educational needs.

With reference to APL functional literacy levels, contrary to our expectations, adult Indians who had received a high school equivalency through a GED program tended to outperform regular high school graduates. Furthermore, adults who received their educations in GED programs operated by local public schools and by Indian groups and community agencies showed the highest literacy levels.

Education providers

Having clearly demonstrated the needs, levels and sources of educational attainment and proficiency of the adult Indian population, further assessments were made of the operations of adult educational systems and their administrators' perceptions of the extent to which their programs are providing adult educational services to Indian Americans. Data obtained from State Education Agency (SEA) programs and Indian Education Act (IEA) programs (Brod, 1981) represent all state, local and federal adult educational programs (except for the BIA); their characteristics, goals, target populations and participant groups for the most part define the educational system within which adult Indians receive their education and training.

While the response rates to items and the return rate (of 60 percent) were quite good for the IEA programs, only about six percent of the requested information was

provided by the 39 (of 51) SEA programs returning their instruments. That is, whenever numbers of Indians participating in state adult education programs and activities were requested, virtually no data were reported. Some states admitted that they simply did not know or did not have the data; others indicated the information was not available. Three and sometimes four state programs cooperated by providing most of the information regarding Indian participation while the rest could not or would not provide such data. In addition to their poor response rate, it should be kept in mind that SEA officials' assessments of the education needs and problems of adult Indians may actually be no more than speculative, since over 92 percent of them admitted that they had never conducted a formal, documented state assessment to ascertain adult Indian education needs. For example, when asked to describe the educational opportunities for adult Indians compared to those for non-Indians in their state, most SEA officials (71 percent) said Indian opportunities were "the same as," a few (10 percent) said "better than," and only 19 percent said "worse than" those of non-Indians; notwithstanding the low achievement rates and scores reported here. The same figures for IEA project directors were 23 percent, 32 percent and 39 percent respectively.

The greatest difficulties SEA officials perceived in involving Indian adults as students in presently-operating state adult education programs were inadequate recruitment channels with Indian communities (44 percent), a lack of an identifiable community from which to recruit Indian participants (36 percent), and a lack of staff trained to deal with the special problems on Indian adults (33 percent). They also cited problems with transportation (28 percent), children or childcare (23 percent), or a critical incompatibility between Indian adults and their educational programs (21 percent). Some SEA officials could foresee no major problems in educating adult Indians (15 percent), while others saw problems with Indian transience (15 percent), prejudice (13 percent), program design (10 percent), and language barriers (5 percent).

It should be pointed out here that although only about half (56 percent) of the adult Indian population spoke English as children at home, virtually all were educated in English. Now as adults 25 percent still do not speak English and most have at least some difficulty with English. Thus, for these Indians, language was and remains a major barrier to educational competency, as adult education programs are also conducted in English to the virtual exclusion of Indian languages.

The five most important needs of Indian adults as identified by IEA directors were high school preparatory (GED), basic education, vocation/technical education, life coping/consumer education, and Indian cultural activities. Although the typical Indian-operated adult education program received 95 percent of its operating budget from Title IV, Part C funding, 29 percent of these programs applied to their state agency (SEA) for direct funding. However, only 13 percent of the applicants were approved for funding and only 35 percent ever received notification that their proposal was even reviewed. Consequently, only about a fourth of the Indian projects applying for state funding were satisfied with the review process.

Finally, SEA officials were asked to characterize the relationship between their adult education coordinator and the Indian community in their state on a scale of 1 (very poor) to 5 (excellent). Their responses varied, but the median (middle response) was 3.4 (i.e., between "average" and "above average"). This rating contrasts sharply with the median value of only 2.7 (between "below average" and "average") that IEA project directors ascribed to their relationships with the SEA. About three-fourths of the IEA directors gave reasons for their ratings. On the positive side, 19 percent reported a continuing or growing, supportive mutual relationship with the SEA. Several (9 percent) were more neutral, saying that the SEA was supportive and cooperative but that there were no funds and/or contact or affiliation. Unfortunately, however, the bulk (45 percent) of the comments tended to be negative: either there was little or no relationship, communication, money, or support forthcoming, or that the SEA seemed to completely ignore or was not interested in the Indian community's adult education needs.

RECOMMENDATIONS

The result of this study have important implications for the future of Indian education and for educational research and policy. The following summarizes the major study policy recommendations (Brod, 1982).

1. The continuation of research on Indian education

The analysis and dissemination process should be continued. At the very least these data should be made available to competent researchers so that the analysis can continue.

2. Critical evaluation of Indian education delivery systems

The data leave little room for interpretation other than that there are serious differences between educational need and educational programs among and for Indian Americans. Indian operated or tribal schools generally yield better educational results than do other schools or agencies, but none is an optimization of educational techniques, practices and programs. However, history instructs us that merely shifting the responsibility for Indian education to the BIA, at best, would be somewhat like switching horses midstream during a big spring runoff (Brod, 1979). Instead, the next important step is to examine a sample of educational systems from prekindergarten to grade twelve and to determine the extent to which educational systems are optimizing their resources and delivery that which is required to strengthen Indian educational competence.

3. Revision of educational delivery system, prekindergarten to 12th grade

It appears that major impacts may be made by merely changing the thrust of the systems from other directed systems to Indian directed ones.

4. Provide education in the traditional language

We have shown that language is a major barrier to success among Indian Americans. In order to affect an optimal learning situation, students must be accommodated where an English language curriculum prevents them from achieving full understanding and application of principles, concepts and tools taught in the classroom. To facilitate intercultural communication, understanding and later occupational success, English language classes should accompany the regular curriculum so that Indians of all ages can learn this "foreign" tongue and add it to their vocabulary.

5. Increase the capabilities of teachers in areas where Indian Americans reside

Just over half (58 percent) of the adult educators who are involved in IEA adult Indian education have college teaching credentials. Based on the performance of adult Indians, there will be considerable value in assessing each faculty member with respect to educational currency and pedagogy. Those who retain obsolescent or obsolete knowledge or practices should receive additional training or be replaced.

6. Provide educational modules in both cultures, traditional Indian and non-Indian

Whether the intercultural exchanges occurs in the classroom, on the job or in the community, Indian people should learn to understand both their own culture and that of the other world. Their teachers alike should be well trained and well versed in the traditional culture(s) of those whose education they guide.

7. Critically evaluate the adult education system

Suffering from the same sclerosis as in the elementary and secondary system, adult education too must be carefully evaluated so as to determine those measures that might be taken to optimize it. The same methods and procedures used to evaluate the elementary and secondary systems must be used here, regardless of governmental base, so as to maximize the educational value of adult programs for Indian Americans.

8. Substantially change adult education delivery systems

As in the elementary and secondary programs, it is not enough to evaluate. Recommendations for change must be implemented. Again, merely shifting all responsibility for adult education to the BIA is not an answer. However, simply increasing the number and quality of local Indian/community based programs with a well trained staff, fluent in Indian language(s) would be a first, welcome addition.

9. Increase levels of support for Indian education

Even in this era of defeated school bonds and fiscal cutbacks, Indian education programs must be aided financially where that support will be of major value in decreasing the gap between Indian and non-Indian education and performance.

10. Evaulate the impact of Johnson-O'Malley funding

The Johnson-O'Malley funds were set aisde to reimburse states for tax revenues not received where Indian Americans are educated or trained under state auspices.

Given the lack of accordance between need and educational program; and given the failure of state and public programs to produce the educational product that the Indian American expected at the outset, the Johnson-O'Malley system should be carefully evaluated to determine whether it acts to fulfill the educational needs and requirements of Indian Americans.

11. Examine the condition of civil rights among Indian Americans, and strictly enforce civil rights law

A separate or integrated, but nevertheless unequal, system of education prevails as far as Indian Americans are concerned. As well, employment, unemployment, underemployment and residential statistics all point to the continuation of historical systems of discrimination. The educational and performance data show fairly conclusively that there are serious flaws in the education system where it serves Indian Americans. Regardless of area of residence or reservation/non-reservation status, equal opportunity in education simply does not exist for Indian Americans. A thorough examination of the conditions of civil rights law as it has affected Indian Americans should be undertaken. Certainly, such an investigation will reveal serious deficiencies in the application and enforcement of current law.

12. Self-determination in Indian education

We have proposed changes in the Indian education system which presuppose the lack of qualified Indian teachers and administrators as an outcome of the education system now in place (McQuiston & Brod, 1981). Still, it appears that as a result of a multiplicity of social and cultural factors, self-determination is wholly appropriate for use in situations where the predominant culture and population is an Indian one. That is, from inception to successful implementation and evaluation, education should be in the hands of its typical parent with equality assured for those of cultures and ancestry other than Indian. The present system, however, is largely designed, administered and implemented by a social and cultural minority as a last vestige of paternalism. Self-determination is a most important part of Indian culture and life today as Indian Americans, who often are the virtual exclusive residents of their school districts or other administrative areas, gain control of their own educational planning, design, management, and implementation.

EPILOGUE: WHO LISTENS TO POLICY RESEARCH FINDINGS? HOW DOES SOCIAL ACTION PROCEED?

The final report of the study reported here was delivered to Secretary of Education Bell, in August of 1981. This report clearly displayed educational deficiencies among Indian Americans which were of crisis proportions. The report, however, did not merely chronicle these problems but explicated various policy alternatives and remedies that might be explored. These remedies have been reported here and they encompass the range of educational policy.

As yet, the Department of Education has not disseminated the report due to budget restrictions imposed under the 1981-1982 Fiscal Year budget, although Bell has indicated that he favors widespread dissemination. Assistant Attorney General William B. Reynolds, head of the Civil Rights Division of the Department of Justice has said (*Civil Rights Digest*, Nov. 1981) in October 1981 that rather than busing, there are other methods he would propose in order to provide educational equality. These remedies would include the development of magnet schools, special programs, the modification of school neighborhood boundaries, providing monetary incentives to students who change schools. At the same time, however, Reynolds stated that he did not think the problems of inferior teaching, educational programs or facilities for minority schools were widespread.

It is clear that Assistant Reynolds has not consulted with Secretary Bell or perhaps others in the Department of Education. This study has reported conclusively that the root of the educational problems among Indian Americans is structural. It begins with educational policy and ends with a seriously disadvantaged group.

A major question here is what is the role of research in educational policy? What obligations do federal and other agencies have to disseminate, support, or perhaps even understand social research? The major impact of this and other studies may only come through the publication of summary articles such as this which may serve to bring the original research out of figurative archives and promote policy change indirectly through academic and research discussion. The mission ingredient in policy research is a clear commitment to the informed use of research findings once they have been provided. We must explore new directions, new avenues that

will link social research with social policy in education. It is clear that for the more than one million Indian Americans, that link is desperately needed.

Mr. MARTIN. I just want to make this for the record. Also policy implication and findings of the status of education obtainment and performance of adult American Indians and Alaskan Indians, a discussion paper prepared by Dr. Jim Fortune, who was also involved in this survey.

So these three documents, I would like to submit to you.

Mr. KILDEE. Thank you very much. We appreciate that.

[The prepared statement of Phillip Martin follows:]

[Because of its length, Dr. Fortune's study is retained in committee files and not reprinted here.]

PREPARED STATEMENT OF PHILLIP MARTIN, CHIEF, MISSISSIPPI BAND OF CHOCTAW INDIANS

This statement is prepared in response to the administration's proposal to terminate Title IV, Office of Indian Education Programs, within the U.S. Department of Education.

For the Mississippi Band of Choctaw Indians, Title IV/OIEP has been a major force in the unprecedented gains made in education here in the past ten years. Historically, the Mississippi Choctaws have been one of the most neglected of Indian tribes. Unlike others who received educational services early in their dealings with the U.S. government, Mississippi Choctaw was long denied access to education at all. For almost 100 years, from Removal in the 1830's until the 1920's-30's, there were no schools for the tribe. Elementary schools were gradually built, but there was no high school until 1964. Choctaw students who wished to complete high school were forced to leave the state and attend federal boarding schools in Oklahoma, North Carolina, or Kansas. Mississippi public school education was not available for Choctaw students until 1971 when court orders opened the public schools. Even now, few Choctaw students elect to attend public schools which are unprepared to handle the need for bilingual instruction for Choctaw students and which have a long tradition of opposing non-white enrollment.

As a result of this educational discontinuity, there was a striking absence of Choctaw high school graduates and college trained members of the tribe. In 1971, for example, there had been only 290 high school graduates in the tribe's history; 25 percent of the tribe's adult members had less than three years of schooling; and a large number of adults were unable to speak, read, or write English. There were only 22 college graduates. At this time, in the early 1970's, the tribe—in the face of urgent, unmet social, employment, educational, and health need—initiated concentrated efforts to achieve economic independence, and, with that, to improve tribal members' standard of living. The accomplishment of these ambitious goals demanded a tribal education system with the flexibility to respond to the compelling problems of adult literacy, few college trained tribal members, and the absence of a tribal presence within the reservation's BIA schools.

Title IV resources, through Parts B and C have been the primary vehicle through which this tribe has been able to both create an environment for education and diminish its impoverished educational status. This testimony will describe for the record the value of Title IV for Mississippi Choctaw and the continuing need for full funding for the program, with increases for Part B and C.

ADULT EDUCATION: TITLE IV, PART C

In 1972, with funding from a small BIA contract and a grant from the Office of Vocational and Adult Education (Section 309(b)), adult education sites were first established in the seven on-reservation Choctaw communities to provide English-language, literacy, and GED preparatory instruction. Over 100 adults enrolled immediately, with enrollment and attendance growing quickly to over 300 students and remaining constant over the past eleven years at that rate. In 1974, legislative amendments turned Section 309(b) funds to the state departments of education for administration and Mississippi promptly discontinued funding for the tribal adult education program. The tribe then sought Title IV, Part C funding and has continued since 1975 as a Title IV, Part C grantee, operating with constant success. In 1976, the program received international honors for its work in literacy education from the National Association of Public and Continuing Education. Elements of the adult

education model developed at Choctaw have been replicated by reservation and urban Indian adult education programs across the country.

The following statistics stand as quantitative indicators of program success: Total number of GED graduates, 363; total number of eighth grade graduates, 228. The number of GED graduates during this period nearly equaled the number of Choctaw Central High School graduates for that same time: 374.

A follow-up study of the tribe's GED graduates was recently conducted. The findings suggest that for both the individual graduate and the tribe, the program has been very cost-effective, considering the skill and income levels of the entering adult education students.

Thirty-five percent of entering GED students were public or BIA general assistance recipients; only 9 percent continued to receive such assistance following their graduation from adult education.

Forty-one percent were subsidized employment participants (CETA, TWETP) upon entry; only 11 percent remained in this position upon completion of the GED.

Forty-nine percent of graduates reported having obtained a job or better job as a result of GED completion.

Twenty-one percent of the graduates are enrolled in college or vocational training.

Forty-seven percent reported incomes of less than $3,000 at pre-GED levels; only 11 percent continued at that level after GED completion.

Twenty-six percent reported incomes in excess of $10,000 after completion of the GED, compared with none at that level upon entry into the program.

A cursory review of statistics cannot show, however, the strong utilitarian value adult education holds for tribal economic and social development for Mississippi Choctaw:

Tribal members who participate in adult education are more likely to enter into and function successfully in additional training or private sector employment.

As more Choctaw adults gain literacy skills, increase their individual problem-solving ability, and complete high school, the demands on social, health, and law-enforcement services diminish.

The employability level of the labor force has risen through basic and GED education, making the tribe more attractive as a site of private sector industrial investment.

The academic progress of Choctaw school-age children is heightened by parental participation in adult education.

Despite this exceptional progress, the original need for adult education was so widespread that a ten year period has not been enough time to eradicate the effects of generations of educational neglect. On a percentage basis, the adult education program has only been able to serve perhaps 20 percent of those in need, with the program's current service population of 370 being only roughly one-fifth of the total of Choctaw adults still without a high school education. As indicators of continuing need for Title IV, Part C funding for the Choctaw Reservation, the following statistics should be considered: 15 percent of Choctaw adults can neither read nor write; 46 percent of Choctaw adults have not completed high school; over 70 percent of these adults have less than an elementary education; and 52 percent of those who have not completed high school have had no formal schooling.

The administration's explanation that either Bureau of Indian Affairs or Adult Education Act funds are available for adult education for Indian adults has little basis in reality. At Mississippi Choctaw, BIA adult education funds have been used in concert with Title IV, Part C funds for the operation of the tribal adult education program. Even with this coordinated effort, funding levels continue below those needed to serve all Choctaw adults who could benefit from adult basic education. Further, although the administration had proposed the termination of Title IV for fiscal year 1984, the Bureau of Indian Affairs has not requested additional funds to absorb the loss of Title IV funds for adult education. It is also not likely that Mississippi will relent from its earlier position and decide to fund Choctaw adult education. Title IV remains, for this tribe, a major source of support for adult basic education and for GED preparation.

SUPPLEMENTARY EDUCATIONAL SERVICES

BIA educational funds do not exist in sufficient quantity nor with sufficient flexibility to meet the particular educational needs Indian communities have for such specialized areas in education as preschool education, curriculum materials development, and college preparatory training for high school students—all educational activities now underway on the Choctaw Reservation under the auspices of Title IV funding.

1. PRESCHOOL DEMONSTRATION PROGRAM

Through Part B, a preschool education program is serving 75 three- and four-year-old Choctaw children in six reservation communities: this preschool program differs from conventional approaches to early childhood education in that the curriculum incorporates Choctaw cultural values identified by Choctaw parents as appropriate for inclusion in their child's early education. Because the program is only in its second year, no pre and post test scores are yet available for comparison purposes with a conventional preschool program. However, immediate benefits are being observed in the active involvement of Choctaw parents in the development of curriculum and in educational decision-making. By the end of this project, we will have developed and validated a preschool curriculum which can then be used reservation-wide in the Headstart program and in the six kindergartens.

2. CHOCTAW CURRICULUM MATERIALS

Choctaw students have always attended schools in which their textbooks and curriculum ignored, stereotyped, or distorted Choctaw people and their culture, creating a void in which Choctaw students found no positive point of reference for themselves as Choctaw. Non-Indian students in Mississippi also study from social studies texts which treat the Choctaw Tribe as an anthropological oddity rather than a contributor to the history and current events of the state. In view of this need, the tribe planned jointly with the BIA school system, local public schools, and the state department of education to produce curriculum materials in Choctaw history, culture, and contemporary events. These would accompany the ninth grade Mississippi history texts. The tribe applied for funding from a federal program, Ethnic Heritage Studies, and received a grant to conduct the work. Unfortunately, mid-way in the project, Ethnic Heritage was block-granted to the states, and, under the provisions of the block-grant package in education, the tribal project was terminated. Once again, Title IV funding was sought to continue the work.

Under a Part B grant, a student text, film, and teacher's guide on Choctaw material culture have been validated and field-tested and are now ready for use in the schools. A second film, "Choctaw Tribal Government," is complete and the student text is nearing completion. A third work on Choctaw history is well underway. If Title IV had not been available, then this important task would still be undone, with little likelihood of its ever being completed. Certainly, the tribe does not have such funds of its own to produce sound educational materials.

3. COLLEGE PREPARATORY EDUCATION

Title IV, Part B, funding is used on the Choctaw Reservation to support college preparatory instruction in reading, composition, library research, test-taking, and study skills for Choctaw juniors and seniors. The high school curriculum has minimal college preparatory offerings: no advanced math, physics, fine arts, foreign languages, or writing and research classes are offered. Instruction is largely remedial. The academic achievement of Choctaw students is extremely low:

(a) In April, 1982, 79 percent of Choctaw students in grades 9–12 were below grade level on the California Achievement Test.

(b) The average grade level test scores for graduating Choctaw high school seniors has been below ninth grade for the past several years. 1982 graduating seniors had an average grade level of 8.7.

(c) College admissions test scores fall far below those required for entry into college. The average score for 1982 seniors was 10.8, a figure which can be compared to the national average of 18.7 and the Mississippi average of 18.6.

(d) Academic and English language difficulties prevent Choctaw students from succeeding in college and contribute to a college dropout rate of over 70 percent.

These academic deficiencies, if they remain uncorrected, will slow tribal economic development plans: there are now only 72 college graduates. There are no tribal members with degrees in the sciences, in business, in accounting, in law, in the computer sciences, or in the health professions. The Title IV, part B funding that we are receiving for this program will prepare Choctaw students academically to succeed on college entrance testing and later as college students. In the absence of Title IV, there would have been no other source of support for this service.

It would be incorrect to agree with the administration's contention that need no longer exists for the Office of Indian Education Programs within the U.S. Department of Education. In fact, the Department of Education, through the needs assessments required of all Title IV grantees, has within OIEP ample documentation of need for Title IV continuation and expansion—if the department were to examine

those documents. And, in the matter of adult education, the department has access to the results of a national assessment of Indian adult education needs. This major study—which National Indian Management Service (of which I am President) conducted and which sampled American Indian Native adults—revealed that throughout the country educational deficienceis among American Indians which were of crisis proportions. The final report of the study was delivered to Secretary Bell in August, 1981. Yet, the department has not disseminated the report. The Congress is unaware that such a national data base accurately assessing the functional literacy and educational attainment of American Indian adults exists, and requests for appropriations for Indian adult education from the administration ignore the fact that Indian adults have the lowest high school completion rate (57 percent) among all ethnic and racial groups in the United States. A summary of the report by its authors was recently published in the Journal of American Indian Education and is attached to this statement.

It would also be equally incorrect to agree with the contention that Indians—in view of Title IV—will receive educational assistance through other federal programs. This native belief fails to consider the past failure of these programs to serve Indians. Apart from Title IV, Indian Education, and the one per centum set aside in vocational education for Indian tribes, American Indians receive few benefits from those programs which are said to be available to them. The barriers to obtaining these funds exist to such an extent as to baffle even the most astute applicant. There is, first of all, little disinclination on the part of other educational programs or of the states—as recipients of federal funds—to serve Indians. Each of these other educational programs seems to have its own special interest constituency which does not include Indians. The application procedures are complex. Indian tribes often do not have the professional staff required to prepare grant applications to meet detailed criteria. The actual funding process is extremely competitive and Indian applicants must compete with large, sophisticated public school districts, universities, and state departments of education for the same diminishing funds. The experiences of Mississippi Choctaw, including those already cited, have taught us to expect little or nothing from funding agencies which do not have Indians as their target population or which do not have an Indian set-aside as part of their authorizing legislation.

The preceding information serves as evidence that there are still urgent, unmet educational needs on the Choctaw Reservation. To be sure, a great deal of progress has been made, largely through Title IV assistance. But, much more is needed. We need, for example, grants of the kind provided by Title IV, Part A to plan a tribal school system. We need to develop and implement an intensive English language development program for junior and senior high school students (a service which bilingual education will not provide); we need a strengthened math and science program which includes computer sciences for high school students; Choctaw students need career education in order to introduce them to the life choices they can have if they complete their education; expanded counseling services are needed in the school system which has only one counselor for 1,100 students; programs which link the school and the home are needed. We need many more college trained members in the technical professions to work in and to manage our tribe's industrial enterprises. The tribe has developed three enterprises employing over 500 people, but tribal members are mostly in the semi-skilled positions. This enterprise development has created a need for professional and management training. So many of the basic educational services taken for granted by non-Indian students and their families do not exist for Choctaw students and their parents. And, in this regard, Mississippi Choctaw is not unlike other Indian communities in degree of need. Indeed, even at its highest appropriations levels, Title IV did not have adequate funding levels to meet the need for its particular services, especially in Part B and C.

This statement has pointed to the benefits accruing for one tribe, Mississippi Choctaw, from Title IV, Office of Indian Education Programs. Choctaw is no exception: other Indian communities throughout the country have had similar experiences. Although Title IV has always had a small appropriation, Indian tribes have been able to use the limited Part B and Part C funds to creatively solve eduational problems in their communities, making Title IV a highly cost-effective program.

In view of these circumstances, I would recommend that the Committee consider the following:

(a) Title IV/OIEP should continue as a program within the Department of Education and should take the lead within the Department in securing commitments from other federal education programs to seriously examine those Indian education needs which Title IV can not reach.

(b) Parts B and C should be examined, with attention given to the lack of other sources of funding for the services supported by these parts.

(c) The National Adult Indian Education Needs Survey should be studied by the Committee for its implications not only for the conduct of adult education for Indian adults but also for the conduct of Indian education in general in this country.

(d) The National Advisory Council on Indian Eduation should be continued, with oversight over the Office of Indian Education but with its membership representative of the Indian education community and Indian tribal government.

Mr. KILDEE. I know you have to run to another meeting now. We appreciate your testimony here this morning. With that, we will let you go to your next meeting.

Mr. MARTIN. Thank you.

Mr. KILDEE. I do not see Mr. Andrade here. Is someone here representing him? All right.

STATEMENT OF WILLIAM LEAP, EDUCATION DIRECTOR, NATIONAL CONGRESS OF AMERICAN INDIANS

Mr. LEAP. Mr. Chairman, my name is Dr. William Leap. I am the education director for the National Congress of American Indians and I am here today to present NCAI's concerns regarding the administration's treatment of the Indian Education Act in the fiscal year 1984 budget proposals.

I want to address two issues, as you might expect. First, the rescission, and second, the proposed termination.

First of all, regarding the rescission, NCIA respectfully points out to the administration and to the subcommittee that any attempt to impose a rescission on title IV funding already appropriated by the Congress violates a determination on this matter already made by the General Accounting Office.

Reference is made to a letter from the Comptroller General of the United States to the President of the Senate and the Speaker of the House of Representatives, dated May 6, 1982, portions of which are attached to our testimony and there are copies on the side table.

As is the case for many other pieces of Federal legislation, title IV's enabling legislation contains what GAO terms a "mandatory spending statement." And the authority to spend funds appropriated under the terms of such a mandatory statement cannot, according the Comptroller General, be superceded by rescission or by any other process allowed under the provisions of the Impoundment Control Act, according to the GAO determination.

The administration's proposed rescissions for Title IV will become an issue which can and will, if necessary, be resolved through the courts.

In the meantime, however, Mr. Chairman, there is a more serious and more immediate problem relating to the rescission. Even though Congress has not given its approval to the rescission, the Department of Education and the Office of Indian Education have begun to conduct business as if the rescission already were in place. Renewal of the contract for one of the Title IV resource centers was initially refused by OIE last month and orders were passed out for the center to shut down its operations, in part because OIE did not wish to commit already appropriated funds for that center's use.

Last fall, OIE actively discouraged LEA's from applying for new part C education grants or from expanding the scope of their part A and part B programs, citing administration fiscal year 1983 budget requests as if they expressed the level of funding OIE really had to distribute during the coming year.

Recommendations for the retrenchment of activities, for project shut-downs, and for program termination are once again being released in reference to OIE's proposed phase-out in fiscal year 1984.

Perhaps, Mr. Chairman, under these circumstances, such caution is well advised. But even so, the outcomes of the advice are the same: Indian students and their educational services are being made the unfortunate victims of needless bureaucratic gamesmanship.

NCAI cannot and will not stand by while the administration plays havoc with the continuity, quality and delivery of education services to Indian students, and we are hopeful, Mr. Chairman, that this subcommittee will not remain impassive in the face of that situation.

Now let me turn briefly to the second issue: The proposed elimination of title IV and OIE services in fiscal year 1984.

The administration arguments in favor of title IV are in effect three: First, that services can be supplied through funding from other Department of Education programs; second, that the Department of Education funds on the basis of educational need, and not racial background, thus the Department has no unique responsibility to provide services to meet the special needs of Indian students; and third, the Federal Government itself has no responsibility to provide services to any student not living on or near his home reservation.

NCAI cannot and will not accept the validity of any of these arguments.

Title IV may complement the services offered by other Department of Education programs, but that does not mean that comparable services can then be obtained through those other program sources if title IV is terminated.

Chapter I moneys can be used only for a limited number of remedial purposes. Title IV, in contrast, can address a wide number of educational and cultural needs. Chapter I has never attempted to be holistic in its focus or flexible in its design. Title IV was designed precisely to do that.

There is no provision for tribal control or tribal consultation or tribal self-determination within the context of chapter I programs. Title IV has the potential to operate in that context, as you will hear today.

It is absurd to argue that title VII or Impact Aid can take over the responsibility for other educational services being supplied by title IV, part A. Title VII, given its English-language focus, at best is able to address only a small portion of the tribes, concerns with language arts instruction. Experience has shown that title VII remains indifferent to the unique language needs of Indian students in public schools, even though the 1978 amendments to the Act added a special section which specifically calls OBEMLA's attention to the specifics of those needs.

Remember, also, title VII is a discretionary program, and not an entitlement. There is no continuity and support for Indian education one academic year to the next. Tribal accountability is a concept totally alien to title VII's administrative process as well.

Impact Aid funding is awarded to school districts, not to tribes. Impact Aid does not support Indian-specific educational programs and will not be able to be used in that way at the local level until Impact Aid funds are exempted from State equalization formulae and left free to go directly to the LEA's at the levels originally intended and until BIA effectively regulates the provisions of title XI, part A.

Without those changes, Impact Aid hardly offers any alternative to the services provided by title IV.

There are some additional problems with the idea that other Department of Education programs can supply services currently provided by title IV. In some States, funding from non-Indian-focused education projects will have to be decreased as much as 30 or 40 percent in order for title IV, part A projects within those States to continue to receive funding at their fiscal year 1982 or 1983 levels.

Such diversions of chapter I dollars toward title IV needs would rapidly heighten ill will and increase conflicts at a time when unity between the Nation's political, ethnic and racial minorities has never been so critical.

Notice, moreover, that any attempt to use chapter I funding to offset title IV needs would give State governments greater control over the funding of Indian educational services at the local and tribal levels.

NCIA opposes all such attempts to shift responsibility for the management of Indian education from the Federal to the State-level authorities.

The administration is in error when it claims that the Department of Education has no role to play in fulfilling responsibilities in education to the tribes. It is difficult to understand how the administration can claim to be working in terms of government-to-government relationships in Indian Affairs, while at the same time, it is seeking to eliminate the one set of programs in the Department of Education specifically designed to respond to the elementary and secondary and adult education concerns of tribal governments.

The administration argues that the Federal responsibility to serve Indian students as Indians applies only if the students reside on or near reservation boundaries. The wording of the Snyder Act, as well as the findings of *Seminole Nation* v. *United States* and *Morton* v. *Ruiz*, all acknowledge that Federal services must be provided to the tribes, regardless of their members' place of residence.

In no sense does NCAI want to demand that off-reservation needs be used as an excuse for cutting back on the delivery of services to the reservation communities. But the fact remains, off-reservation residence does not, in and of itself, provide a sufficient justification for terminating Federal Indian services in any form.

So NCAI raises the strongest objection to the administration's attempts to do this thing in the fiscal year 1984 budget.

Let me assure you in conclusion, Mr. Chairman, that NCAI does not think title IV is a perfect piece of legislation. NCAI recognizes

there have been problems with the distribution of part A funding and with the uses made of those funds by certain local programs. NCAI will be the first Indian organization to call for Federal oversight and review of the Indian Education Act and of its contributions to Indian education.

NCAI holds, however, that such oversight and assessment must be carried out in legislative terms, allowing all sides of every question to receive an open and equitable hearing. Attempts to use the budgetary process as a means of bringing about changes in Federal Indian educational policy bypasses opportunities for tribal consultation, and for that reason alone, NCAI opposes the administration's elimination of title IV and the programs it supports from the fiscal year 1984 budget.

Thank you.

[Prepared statement of William Leap follows:]

PREPARED STATEMENT OF WILLIAM LEAP, EDUCATION DIRECTOR, NATIONAL CONGRESS OF AMERICAN INDIANS

Mr. Chairman, members of the Subcommittee, ladies and gentlemen: My name is Dr. William Leap. I am the Education Director for the National Congress of American Indians, the oldest and largest advocacy group for Indian rights in this nation. I am here today to present NCAI's concerns regarding the Administration's treatment of the Indian Education Act (Title IV, Public Law 92-318) in the Fiscal Year 1984 federal budget proposals. There are two general issues to be addressed in this discussion: first, the proposed $16 million rescission in the funds appropriated for Title IV in Fiscal Year 1983. And second, the proposed elimination of funding for Title IV in Fiscal Year 1984 and in subsequent years. NCAI's concerns regarding both of these issues will be outlined in the following paragraphs.

First, regarding the $16 million rescission. NCAI respectfully points out to the Administration and to this Subcommittee that any attempt to impose a rescission on Title IV funding already appropriated by the Congress violates a determination on this matter already made by the General Accounting Office. (Reference is made to a letter from the Comptroller General of the United States to the President of the Senate and the Speaker of the House of Representatives dated May 6, 1982, portions of which are here attached.) As is the case for many other pieces of federal legislation, Title IV's enabling legislation contains a "mandatory spending statement". And the authority to spend funds appropriated under the terms of such a mandatory statement cannot be superceded by rescission or by any other process allowed under the provisions of the Impoundment Control Act, according to the GAO determination.

The Administration's proposed rescission for Title IV become a matter which can and will, if necessary, be resolved through the courts. In the meantime, however, there remains a more immediate problem. Even though the Congress has not given its approval to the Administration's request for a rescission, the Department of Education and the Office of Indian Education have begun to conduct business "as if" the rescission already were in place. Renewal of the contract for one of the Title IV Resource Centers was initially refused by OIE last month, and orders were passed out for the Center to shut down its operations, in part because OIE did not wish to commit already appropriated funds for that Center. Last fall, OIE actively discouraged LEA's from applying for new Part C Adult Education grants or from expanding the scope of their Part A and Part B programs, eiting Administration's FY 83 budget requests. "as if" they expressed the level of funding OIE really had to distribute during the coming year. Recommendations for the retrenchment of activities, for project shut-downs, and for program termination are once again being released in reference to OIE's proposed phase-out in fiscal year 1984. Perhaps, under these circumstances, such caution is well advised. But the outcomes are the same regardless of motive: Indian students and their educational services are being made the unfortunate victims of needless bureaucratic gamesmanship. NCAI cannot and will not stand by while the Administration plays havoc with the continuity, quality, and delivery of educational services to Indian students. We are confident, Mr. Chairman, that this Subcommittee will not remain impassive in the face of the same situation.

Now let me turn to the second issue: The proposed elimination of Title IV and of OIE services in fiscal year 1984.

NCAI feels it is important to understand why the Administration is calling for the termination of Title IV programs at this time. The Administration is not saying, you notice, that Title IV has been ineffective and therefore should be eliminated for reasons of cost-effectiveness. Nor is the Administration saying that Title IV is a program more properly to be managed by state-level educational authorities. At no point has the Administration attempted to deny that Indian students have unique educational needs.

The Administration arguments in favor of the termination of Title IV rest in other domains: (1) Services provided under Title IV can be supplied through funding from other Department of Education programs; (2) The Department of Education provides funding on the basis of educational need and not racial background; the Department of Education has no responsibility to provide education services to meet the special needs of Indian students; and (3) The federal government has no responsibility to provide educational services to any Indian student not living on or near his home reservation.

NCAI cannot and will not accept the validity of any of these arguments.

Title IV may compliment the services offered by other Department of Education programs. But that does not mean, once Title IV is terminated, that comparable services can then be obtained through those other program sources. Chapter I monies, for example, can be used only for a limited number of remedial purposes. Title IV, in contrast, can focus on programs of academic enrichment, cultural awareness, psychological and personal well-being, out-of-school follow-up, school-home-Tribe relationships, or on other activities designed to meet the special educational and cultural needs of the whole Indian student. Chapter I has never attempted to be that holistic in its focus or that flexible in its educational design. Title IV programs also allow the possibility of close Tribal accountability and oversight, if not direct Tribal control over program operations. No such provision for Tribal self-determination in education is to be found within the administration of Chapter I programs, nor within the operation of any of the other Elementary and Secondary Education programs administered out of the Department of Education.

It is even more absurd to argue that programs like Title VII or Impact Aid can take over responsibility for the educational services currently being supplied by Title IV. Title VII, given its English language focus, at best is able to address only a small portion of the Tribals' concerns with language arts instruction; ancestral Experience has shown that Title VII remains indifferent to the unique language needs of Indian students in public schools, even though the 1978 Amendments to the Act added a special section—703-(a)(1)(C)—which specifically calls OBEMLA's attention to the specifics of those needs. Remember also, Title VII is a discretionary program, not an entitlement. So there is no continuity in support for Indian education projects under this Act, one academic year to the next. Tribal accountability is a concept which is totally alien to Title VII's administrative process, as well.

Impact Aid funding is awarded to school districts, not to Tribals, in lieu of tax dollars and is to be used to meet the basic operating expenses of targeted public schools. Impact Aid does not support specifically Indian forcused educational programs, and will not be able to be used in that way at the local level until (1) Impact Aid funds are exempted from state "equalization formulae" and left free to go directly to the LEA's at the levels originally intended; and (2) BIA effectively regulates the provisions of Title XI, Part A, Public Law 95-561. Without those changes, Impact Aid hardly can offer any alternative to the services currently being provided by Title IV.

There are additional problems with the idea that other Department of Education programs can supply services currently being provided under Title IV. In some states, funding from non-Indian-focused education projects will have to be decreased as much as 30-40 percent, in order for the Title IV Part A projects within those states to continue to receive funding at their fiscal year 1982 or 83 levels.[1] Such diversions of Chapter I dollars toward Title IV needs would rapidly heighten ill-will and increase conflicts at a time when unity between the nation's political, ethnic, and racial minorities has never been so critical.

Notice, moreover, that any attempt to use Chapter I funding to offset Title IV needs would also give the state governments greater control over the funding of Indian Education services at the local and Tribal levels. NCAI opposes all such attempts to shift responsibility for the management of Indian education from the federal to the state-level authorities. No aspect of the "new federalism" can render in-

[1] See attachment II for specifics.

violate the federal government's enduring responsibility to provide educational services to the Tribes.

The Administration is in error when it claims that the Department of Education has no role to play in fulfilling those responsibilities to the Tribes. It is difficult to understand how the Administration can claim to be working in terms of government-to-government relationships in Indian Affairs, at the same time it is seeking to eliminate the one set of programs in that Department specifically designed to respond to the educational concerns of Tribal governments.

The Administration argues that the federal responsibility to serve Indian students as Indians applies only if Indian students reside on or near reservation boundaries. The wording of the Snyder Act (25 USC 13) as well as the findings of *Seminole Nation* v *United States* and *Morton* v *Ruiz* all acknowledge that federal services must be provided to the Tribes regardless of their members' place of residence. In no sense does NCAI want to demand that off-reservation educational needs be used as an excuse for cutting back on the delivery of educational services to the reservation communities. But the fact remains, off-reservation residence does not, in and off itself, provide a sufficient justification for terminating federal Indian services in any form. NCAI raises the strongest objection to the Administration's attempts to do this very thing in the fiscal year 1984 budget proposals.

Let me assure you, Mr Chairman: NCAI does not think that Title IV is a perfect piece of legislation. NCAI recognizes that there have been problems with the distribution of Part A funding and with the uses made of those funds by certain local programs. NCAI will be the first Indian organization to call for federal oversight and review of the Indian Education Act and of its contributions to Indian education. NCAI holds, however, that such oversight and assessment must be carried out in legislative terms, allowing all sides of every question to receive an open and equitable hearing. Attempts to use the budgetary process as a means of bringing about changes in federal Indian education policy bypasses opportunities for Tribal consultation. For that reason alone, NCAI opposes the Administration's proposed elimination of Title IV and the programs it supports in the fiscal year 1984 budget.

ATTACHMENT No. I

NATIONAL CONGRESS OF AMERICAN INDIANS,
Washington, D.C., February 7, 1983.

To: Ron Andrade, Executive Director, NCAI.
From: William Leap, Education Director, NCAI.
Re: GAO Determination dated May 6, 1982.

As per discussion, I am enclosing a copy of the GAO determination of May 6, 1982. The statement indicates GAO's findings that the provisions of the Impoundment Control Act ". . . (do) not supersede any other provision of law requiring the obligation or expenditure of budget authority" (pg. 1). The statement summarizes findings from a GAO examination ". . . of the statutory scheme involved for evidence of a congressional mandate to spend the funds appropriated for the particular program" (pg. 1). Included in the listing (see page 3) is the Indian Education Act Part A. There, the GAO statement notes:

"The following program in which funds were proposed for rescission involves a mandatory spending statute under our analysis of the fourth disclaimer: Indian Education Act, Part A (impact aid), 20 USC § 241aa-241ff."

GAO thereby determines that, in FY 82, funding for Title IV Part A cannot be subjected to rescission. Since the same law is in effect now as then, I suggest that GAO's findings on the proposed rescission in spring, 1982, apply with equal force in late winter, 1983. The Administration cannot legally impose a rescission of Indian Education Act funds, nor (apparantly) could the Congress vote in favor of one after having mandated the spending of appropriated funds in the first place.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., May 6, 1982.

To the President of the Senate and the
Speaker of the House of Representatives

On February 5, 1982, the President's eighth special message for fiscal year 1982 was transmitted to the Congress pursuant to the Impoundment Control Act of 1974. The special message proposed 22 rescissions of budget authority totalling $10,655 million, 14 new deferrals totalling $2,334 million, and revisions to seven previously reported deferrals which increase the amounts deferred by $768 million. On February 19, 1982, the President submitted his ninth special message for fiscal year 1982, reporting a $2 million reduction in the amount proposed for rescission in rescission

proposal R82-23 (Mine Safety and Health Administration). In his eleventh special message for fiscal year 1982, dated April 23, 1982, the President reduced by $3.4 billion the amount proposed for rescission in rescission proposal R82-21 (subsidized housing programs).

The 45-day period during which the funds proposed for rescission could be withheld pending congressional consideration of a rescission bill ended on Friday, April 23, 1982, without Congress having passed any such bill. The withheld funds were released by OMB on Monday, April 26, 1982.

In our report to Congress dated March 10, 1982, we explained in detail our interpretation of section 1001(4) of the Impoundment Control Act, the so-called "fourth disclaimer," which provides that the Act does not supersede any other provision of law requiring the obligation or expenditure of budget authority. Briefly stated, our analysis requires examination of the statutory scheme involved for evidence of a congressional mandate to spend the funds appropriated for the particular program. In the following report, we identify the rescission proposals submitted in the eighth and ninth special messages which involve mandatory spending programs under our analysis of section 1001(4). In our view, the Impoundment Control Act does not authorize impoundments of funds for these programs.

FUNDS APPROPRIATED TO THE PRESIDENT

R82-4: International Development Assistance; Functional Development Assistance Program; Food and Nutrition; Education & Human Resources; 11X1023, 11X1025.

The following programs in which funds were proposed for rescission involve a mandatory spending statute under our analysis of the fourth disclaimer: Career Education Incentive Act, (grants) 20 U.S.C. §§ 2604-2608; Education Amendments of 1978 (territorial teacher assistance), 92 Stat. 2379.

An agency official in the Women's Educational Equity (WEE) program told us that the development and dissemination of curriculum and training materials probably would not be done by the States because of the expense involved. The official also said that the rescission would eliminate funding for higher education and community-based WEE activities; 20 new grants; 20 continuation grants; five contractor-operated demonstration projects in five school districts; and the contractor-operated WEE publication center.

With regard to the Follow Through program, an official told us that the rescission would eliminate funding for over 37,000 children, 1200 teachers, 1800 aides (primarily low-income parents of children in the program) and 105 administrators in 84 projects in 37 states. In addition, programs at 16 institutions of higher education would not be funded. A current GAO review has raised questions about the continued value of the Follow Through program. The program was established to assist graduates of Head Start and similar preschool programs to sustain the gains achieved under these programs. However, there are indications of improvements in the effectiveness of the Head Start program and Head Start graduates who need assistance are eligible to obtain it through other programs available for educationally disadvantaged children.

An official for the Career Education program told us that the proposed rescission would eliminate funding for three contracts totally $480,000, and for 12 positions in the Department of Education and up to 49 State coordinators.

R82-11; Office of Elementary and Secondary Education; Indian Education; 9120101.

The following program in which funds were proposed for rescission involves a mandatory spending statute under our analysis of the fourth disclaimer: Indian Education Act, Part A (impact aid), 20 U.S.C. §§ 241aa-241ff.

R82-12: Office of Special Education and Rehabilitative Services; Education for the Handicapped; 9120300, 912/30300, 911/20300.

NATIONAL CONGRESS OF AMERICAN INDIANS
Washington, D.C., February 21, 1983.

ATTACHMENT II

To: Concerned Indian Educators.
From: William Leap, Education Director.
Re: Available alternatives for Title IV Part A support.

The Administration implies that Title VII, Impact Aid, and Chapter I (among other Department of Education programs) could supply funds to pick up the costs of projects currently operated under Title IV Part A entitlements.

The table on the following pages shows you exactly what might be at stake in such a move, when viewed on a state-by-state basis.

Data are presented by state. The total amount of the Part A awards going to LEA's in each state is listed. The next column ranks those awards by relative size. Oklahoma is ranked first, with the greatest amount of Part A money coming to LEA's in its boundaries. Missouri is ranked last, because its LEA's receive the least amount of Part A funding.

The next column compares the size of each state's Title IV Part A awards against the total amount of federal Elementary and Secondary Education dollars which come to the state. For purposes here, the sum of the state's Chapter I, Title VII and Impact Aid funds are combined with the Title IV Part A entitlement to obtain this overall sum.

The final column compares the size of each state's Title IV Part A awards against the size of the state's allocation under the Chapter I block grant. That percentage shows, among other things, how much of the state's Chapter I grant would have to be diverted from non-Indian projects, if Chapter I were to assume the costs of Title IV Part A projects.

Notice, among other things displayed here:

1. States with larger on-reservation populations will be *hard* hit if Title IV Part A monies have to be taken from other federal elementary and secondary education sources.

2. Each state will be affected differently, and will have to make individual adjustments to the federal level cutback. There will be no assurance of uniformity in support for Part A type programs if the federal involvement is eliminated.

3. Size of Title IV Part A award total does not necessarily predict (or even correlate with) the percentage that total occupies within the state's total e & s package. Nor does Part A award size necessarily predict the amount of Chapter I or Impact Aid funding which comes into the state.

You may want to bear these figures in mind, and perhaps make reference to them, when explaining exactly what impacts we can expect will emerge from the Administration's decision to eliminate Title IV funding to the Tribes and the LEA's serving them.

TITLE IV PART A AWARDS (FISCAL YEAR 1982)—SOME STATE-BY-STATE PROFILES

State	Title IV-A award	Ranked by size of all part A awards	Percent of total Federal elementary and secondary moneys received	Percent of State chapter I allocation
Alabama	345,841	19	0.5	0.5
Alaska	6,952,597	2	16.5	133.0
Arizona	4,871,882	3	8.6	17.3
Arkansas	111,174	29	2	2
California	4,753,063	4	1.4	1.6
Colorado	243,102	22	.6	.8
Connecticut	30,354	36	.1	.1
Florida	74,774	32	.01	.07
Hawaii	18,083	39	.1	.2
Idaho	230,461	23	.2	2.5
Illinois	114,906	28	.1	.1
Indiana	10,691	40	.001	.03
Iowa	88,981	30	.4	.4
Kansas	201,603	24	.7	.9
Louisiana	394,984	18	.4	.5
Maine	42,126	35	.3	.3
Maryland	162,774	25	.3	.4
Massachusetts	125,248	27	.2	.2
Michigan	2,628,500	7	2.1	.2
Minnesota	1,698,117	9	4.2	4.7
Missouri	4,863	41	.009	.01
Montana	1,901,823	10	9.9	20.4
Nebraska	252,306	21	1.3	1.7
Nevada	448,165	17	5.8	10.0
New Jersey	73,930	33	.1	.1
New Mexico	3,667,866	5	8.0	15.0

TITLE IV PART A AWARDS (FISCAL YEAR 1982)—SOME STATE-BY-STATE PROFILES—Continued

State	Title IV–A award	Ranked by size of all part A awards	Percent of total Federal elementary and secondary moneys received	Percent of State chapter 1 allocation
New York	1,125,868	13	.4	.4
North Carolina	2,031,971	8	2.0	2.4
North Dakota	590,275	16	3.7	7.2
Ohio	127,553	33	0.1	0.2
Oklahoma	9,584,299	1	16.7	28.2
Oregon	964,672	14	3.3	3.6
Rhode Island	27,691	37	0.3	0.3
South Dakota	1,476,634	11	7.9	17.5
Texas	81,400	31	0.03	0.01
Utah	606,029	15	4.3	7.0
Virginia	24,232	38	0.03	0.04
Washington	2,936,485	6	5.7	8.2
Wisconsin	1,159,768	12	2.5	2.8
Wyoming	290,415	20	3.7	7.1

Mr. KILDEE. I thank you very much, Dr. Leap. I would concur that probably any legislation that emanates from Capitol Hill, because it does not come down from Mount Sinai, but from Capitol Hill, is not perfect. I think both of us would agree.

Because all education, and particularly Indian education, is not static but dynamic, from time to time we can look to see how we can improve title IV. I do not think we improve a program by bankrupting a program. I concur with your statement totally.

Mr. LEAP. Thank you.

Mr. KILDEE. Our next witness is Ms. Joyce Reyes, Executive Director of the United Indians of All Tribes Foundation.

Ms. Reyes.

STATEMENT OF JOYCE REYES, DIRECTOR, RESOURCE AND EVALUATION CENTER THREE, UNITED INDIANS OF ALL TRIBES FOUNDATION

Ms. REYES. Good morning, Mr. Chairman. I would like to be correct, even though I do appreciate the upgrade of my position. I am not the Executive Director of the United Indians, but I am here representing United Indians.

Mr. KILDEE. Maybe I am prophetic.

Ms. REYES. My name is Joyce Reyes, I am an enrolled member of the Yakima Indian Tribe. For the record, I represent United Indians of All Tribes Foundation, located in Seattle, Wash.

United Indians is governed by a board of directors comprised of tribal representatives and Seattle community members. I am the director of the foundation's title IV Indian Education Act Resource and Evaluation Center. I would like to thank the committee for the opportunity to present testimony on achievements of title IV, the Indian Education Act legislation, and to speak out on the negative impact which will result from President Reagan's proposed termination of title IV, the Indian Education Act, commonly referred simply as title IV.

Before beginning my testimony, the foundation wishes to express that it supports Congressman Pat Williams' supplemental appro-

priation bill for fiscal year 1983 that restores title IV funding levels to the fiscal year 1982 level. Further, United Indians urges your support of this increase for title IV.

I will begin by stating United Indians is strongly, strongly opposed to President Reagan's proposed termination of programs funded through title IV. My testimony is based on knowledge and experience gained through the foundation's technical assistance work with title IV grantees in a nine-State area.

Since 1976, United Indians has provided educational technical assistance services and therefore, can provide an overview of the positive and dramatic changes that have taken place.

The foundation maintains the position that the Federal Government has a trust responsibility to provide educational services to Indians, regardless of whether they are on or off reservation. Tribal membership does not terminate merely because of geographic location.

Tribes and tribal organizations in the Northwest have traditionally supported educational services for their members who are not located on the reservations. The main source of these educational services for nonreservation-based tribal people has been provided through title IV.

The educational achievements of Indian communities during the short existence of title IV is truly remarkable when compared to other periods of history. Title IV projects have continued to make gains and meet the needs of Indian students, even though projects have suffered repeated funding reductions.

The National Advisory Council on Indian Education, through its many field hearings, has documented many success stories concerning title IV educational projects. Successes such as decreasing drop-out rates and increasing reading levels; increasing the number of Indian teachers and education administrators; increasing the number of graduates at the masters and doctorate levels; increasing the number of adult Indians who have successfully completed GED tests.

For purposes of our testimony, we chose to present specific examples of exemplary projects, rather than evidences of overall impact, since this data is available from the Department of Education Indian Education programs. Their sources are listed in the full text of my testimony, and you heard Phillip Martin speak to this issue earlier about some documents that are available but that have not been made public.

Our first example of impact is an exemplary project located in Alaska, with the Anchorage school district. They report dramatic results in using personal and academic counseling in impacting early school drop-out. In the school year, 1976–77, the Anchorage school district reported 523 students enrolled in grades nine through 12, with 114 drop-outs.

In the 1980–81 school year, 5 years later, the Anchorage school district reported 745 students enrolled in grades nine through 12, with 74 drop-outs. Over a 4-year period, this translates into a 65 percent decrease in the annual school drop-out rate.

My next example is drawn for Seattle Indian Center, their adult education department. They report substantial educational and economic achievement during their 1980–81 project year. The

project reports graduating 91 of its 100 enrolled students, for a 91-percent completion ratio.

One significant economic impact of the GED program is that 30 percent of the graduating class went directly to employment, securing an average wage of $4 per hour. These graduates, then, account for an annual earning power of $232,000 per year, which they would not have earned without this program.

My third example is from the Highline school district, located in Seattle, Wash. They report that the title IV tutoring component has had a dramatic impact on the education of Indian students. Although the project provides direct benefits to 658 Indian students, it feels that the tutoring component is an exemplary service.

During the 1980–81 school year, the Highline Indian tutoring program reports that 19 students received 28 hours or more of individual tutoring in mathematics, and took pre- and post-tests of the California Achievement Test "Mathematics Computation" subsection."

Sixteen of the 19 students, or 84 percent of them, made statistically significant gains that range from 7 months to 4 years and 2 months. Similarly, during the 1980–81 school year, the Highline Indian tutoring program reports that 70 students received 28 hours or more of individual tutoring in reading and had both pre- and post-test scores on the California Achievement Test "Reading Comprehension" subsection. Fifty-four of the 70 students, or 77 percent, made a statistically significant gain that ranged from 6 months to 4 years and 3 months.

Further, the Highline tutoring program reports consistent Indian student achievement results of one grade or better in math computation and reading over the last 3 years.

The aforementioned specifics briefly describe some of the educational achievements experienced in the Northwest and Alaska with funds provided by title IV. There is no reason to believe that the educational growth achieved in our region is unique.

At this point in the testimony, I would like to speak out on the possible negative results that would occur by terminating title IV funding. One, elimination of Indian community involvement. Indian parent committees are now taking an active role in the education of Indian children. With all the funding cuts that the local education agencies are experiencing, they will not be able to keep the Indian parent involved.

Presently, there are 152 parent committees in our four-State region. The average parent committee has a membership of at least seven members.

Two, the elimination of the National Advisory Council on Indian Education. NACIE is the only Presidentially appointed council ever created to advise Congress and the Secretary of Education on programs benefiting Indian children and adults.

NACIE has been diligent in its advisory role, providing information on many issues of major importance to Indian education.

Decrease in the number of trained Indian professionals—termination of title IV will eliminate the educational personnel development program and the fellowship program. These programs have been instrumental in increasing the number of Indian teachers and

educational administrators and the number of graduates at the masters and doctorate levels.

Elimination of Indian adult education programs—elimination of title IV funding will mean the end of adult Indian education. Title IV is the only major funding source, little as it is, for adult education. The States have a tradition for not serving the adult Indian population.

Elimination of title IV part A projects in Washington, Oregon, Idaho and Alaska would immediately eliminate critical educational services to Indian students. Though minimal amounts of funding remain in vocational and adult education, bilingual education and impact aid, et cetera, there is no responsible effort to appropriate the necessary amount of money to account for the increase in demand for educational services resulting from the elimination of title IV.

The elimination of title IV funding will end the trend of public school system's recognition that educational needs of Indian children are distinct and different. Without the title IV program, progressive education of Indian children will stop.

I find it extremely difficult to think that there is no longer a legitimate need for the educational services afforded by title IV when I look at the gains made. Remember, title IV is in its infant stages when compared to other education programs which have been in existence much longer than these programs.

President Reagan is sending unclear and contradictory messages to the Indian community. He calls for Indian self-sufficiency and self-development, yet, at the very same time he proposes the elimination of critical Indian education programs.

A self-determined community is a community that is well-educated, well-trained and able to manage its own affairs from responsible positions. Indian education is the real key to self-sufficiency and self-determination. President Reagan's real Indian policy is reflected in his proposed budget.

Again, I thank you for the opportunity to testify.

[Prepared statement of Joyce Reyes follows:]

PREPARED STATEMENT OF JOYCE REYES, DIRECTOR, RESOURCE AND EVALUATION CENTER THREE, UNITED INDIANS OF ALL TRIBES FOUNDATION

Good morning, Mr. Chairman and members of the House Education and Labor Committee. My name is Joyce Reyes. I am an enrolled member of the Yakima Indian Tribe. For the record, I represent United Indians of All Tribes Foundation (U.I.A.T.F.) based in Seattle, Washington. U.I.A.T.F. is governed by a board of directors comprised of tribal representatives, Alaska Natives and Seattle Indian community representatives. I am the Director of the Foundation's Title IV Indian Education Act Resource and Evaluation Center, funded by the Department of Education/ Indian Education Programs.

I would like to thank the Committee for the opportunity to present testimony on achievements of Title IV, Indian Education Act legislation and to speak out on the negative impact which will result from President Reagan's proposed termination of Title IV, the Indian Education Act, commonly referred to as Title IV.

Before beginning the testimony the Foundation wishes to express that it supports Congressman Pat William's (D-Mont) supplemental appropriation bill for fiscal year 1983 that restores Title IV funding levels to the fiscal year 1982 level. Further, U.I.A.T.F. urges your support of this increase for Title IV.

I will begin by stating, U.I.A.T.F. is strongly opposed to President Reagan's proposed termination of programs funded through Title IV.

My testimony is based on knowledge and experience gained through the Foundation's technical assistance work with Title IV grantees in a nine-state area. Since

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1976, U.I.A.T.F. has provided educational technical assistance services and therefore, can provide an overview of the positive and dramatic changes that have taken place.

The Foundation maintains the position that the federal government has a trust responsibility to provide educational services to Indians regardless of whether they are on- or off-reservation. Tribal membership does not terminate merely because of geographic location. In many cases Indian people live off their reservations, not by choice, but because of economic circumstances. Many Indian people who sought additional education or training opportunities were forced to do so away from their homes. After receiving training, many found it impossible to return home, because there wasn't, and still isn't, employment.

Tribes and tribal organizations in the Northwest have traditionally supported educational services for their members who are not located on the reservations. The main source of these educational services for non-reservation based tribal people has been provided through Title IV. Finally, the Foundation maintains that the decision to terminate Indian educational services based on budget considerations is a violation of the treaty obligations and trust responsibilities of the federal government.

TITLE IV, INDIAN EDUCATION ACT ACHIEVEMENTS

The educational achievements of Indian communities during the short existence of Title IV is truly remarkable when compared to other periods of history. Title IV projects have continued to make gains and meet the needs of Indian students even though projects have suffered repeated funding reductions. In the funding history of Title IV, funding levels have never been increased, only decreased. Projects have never been able to keep up with an inflation rate that continues to spiral. As local projects have faced shrinking budgets, these same projects have shown gains in school attendance, academic achievement and community development. Can you imagine the gains that could be made with sufficient funds?

The National Advisory Council on Indian Education (N.A.C.I.E.), through its many field hearings, has documented many success stories concerning Title IV educational projects. Successes such as: decreasing dropout rates and increasing reading levels; increasing the number of Indian teachers and education administrators; increasing the number of graduates at the master and doctorate levels; and increasing the number of adult Indians who successfully completed GED tests.

For purposes of our testimony we chose to present specific examples of exemplary projects rather than evidences of overall impact since the data is available from the Department of Education/Indian Education Programs. Their sources are listed elsewhere in this report.

Anchorage School District, Anchorage, Alaska

The Anchorage School District, Anchorage, Alaska, reports dramatic results in using personal and academic counseling in impacting early school departure. The Alaska Early School Departure Study reports 114 Native early departures in 1976–77. Five years later, 1980–81, the School District reports 74 early school departures. Over a 5-year period, the Anchorage School District reports a 65-percent decrease in annual school dropout rate.

Year	Enrolled native secondary students	Early departures	Percent
1976–77	523 grades 9 to 12	114	21.8
1979–80	732 grades 9 to 12	100	13.7
1980–81	745 grades 9 to 12	74	9.9

Seattle Indian Center, Seattle, Wash.

The Seattle Indian Center, Seattle Washington, reports substantial educational and economic achievement in their Adult Education Program during the 1980–81 project year.

The project reports graduating 91 of its 100 enrolled students for a 91-percent completion ratio. It also graduated 36 of 204 enrolled ABE students for a 36-percent completion ratio. Its radio program reports that 58 of 201 enrolled students graduated for a 29-percent completion ratio. Overall the combined completion average for all three educational components results in a 37-percent completion average.

One significant economic impact of the GED program is that 30-percent of the graduating class went directly to employment, securing an average wage of $4 per hour. These graduates, then, account for an annual earning power of $232,000 per year.

This program is selected as an exemplary program by the Washington State Peer Review Team and is ranked as the lowest cost per graduating student of all programs in King County.

Highline School District, Seattle, Wash.

The Highline Indian Education Program, Seattle, Washington, reports that the Title IV Tutoring Component has had a dramatic impact on the education of Indian students.

During the 1980–81 school year, the Highline Indian Tutoring Program reports that 19 students received 28 hours or more of individual tutoring in mathematics and took pre- and post-tests of the California Achievement Test "Mathematics Computation" subsection: The Average NCE [1] on the pre-test was 38.47; and the Average NCE on the post-test was 50.00.

The increase in performance reflects a mean gain of 11.53 NCE's. Sixteen of the 19 students (84 percent) made a statistically significant gain of at least seven NCE's or better in their scores. Gains ranged from 7 months to 4 years and 2 months.

Similarly, during the 1980–81 school year, the Highline Indian Tutoring Program reports that 70 students received 28 hours or more of individual tutoring in reading and had both pre- and post-test scores on the California Achievement Test "Reading Comprehension" subsection: The Average NCE on the pre-test was 38.04; and the Average NCE on the post-test was 50.17.

This increase reflects a mean gain of 12.13 NCE's. Fifty-four (54) of the seventy (70) students (77 percent) made a statistically significant gain of 7 NCE's or better in their scores. Gains ranged from 6 months to 4 years and 3 months.

Further, the Highline Indian Tutoring program reports consistent Indian student achievement results of one grade or better in math computation and reading over the last 3 years.

	1978–79	1979–80	1980–81
Math	+1.9	+1.4	+1.4
Reading	+1.3	+1.2	+1.6

The aforementioned specifics briefly describe some of the educational achievements experienced in the Northwest and Alaska with funds provided by Title IV. There is no reason to believe that the educational growth achieved in our region is unique. This growth is occuring wherever there are Title IV projects. Further, there exists within the DE/IEP evidences of overall impact in such documents as: Title IV, Part A Impact Study; Title IV, Part C Adult Education Survey of Needs; National Advisory Council on Indian Education Annual Reports; and Annual evaluations of Title IV projects.

EFFECTS OF TERMINATION OF TITLE IV, INDIAN EDUCATION ACT

At this point in the testimony, I would like to speak out on the possible negative results that would occur by terminating Title IV funding:

(1) Elimination of Indian community involvement—Indian parent committees are now taking an active role in the education of their children. Title IV has provided opportunities for community involvement on a scale never before experienced by Indian communities. With all the funding cuts that Local Education Agencies are experiencing they will not be able to keep the Indian parent involved. Presently there are 152 Indian parent communities in our four-state region. The average parent committee has a membership of at least seven members (parents, teachers and students).

(2) Elimination of the National Advisory Council on Indian Education (N.A.C.I.E.)—N.A.C.I.E. is the only presidentially-appointed council ever created to advise Congress and the Secretary of Education on programs benefiting Indian chil-

[1] NCE refers to Normal Curve Equivalents. NCE's are similar to percentiles but represent equal intervals on a scale of 1 to 99. Generally, a gain of seven or more NCE's indicates significant academic growth.

dren and adults. N.A.C.I.E. has been diligent in its advisory role, providing information on many issues of major importance to Indian education.

(3) decrease in the number of trained Indian professionals—Termination of Title IV will eliminate the Educational Personnel Development (EPD) program and the Fellowship program. These programs have been instrumental in increasing the number of Indian teachers and educational administrators, and the number of graduates at the masters and doctorate levels.

(4) Elimination of Indian adult education programs—Elimination of Title IV funding will mean the end of adult Indian education. Title IV is the only major funding source (little as it is) for adult education. The states have a tradition for not serving the adult Indian population.

(5) Reversal of present trend toward more active Indian community involvement—The Indian community is now visibly taking a more active role in the overall educational system. The proposed phaseout of the Indian education program would again precipitate a return to a closed Indian community that is not concerned with or an advocate for an educational system that is neither aware of or responsive to the special cultural and academically related needs of their children.

(6) Elimination of critical educational services to Indian students—Elimination of Title IV, Part A projects in Washington, Oregon, Idaho and Alaska would immediately eliminate critical educational services to Indian students. At present there seems to be a complete disregard of the education of the nation's Indian children. Though minimal amounts of funding remain in Vocational and Adult Education, Bilingual Education and Impact Aid, there is no responsible effort to appropriate the necessary amount of money to account for the increase in demand for educational services resulting from the elimination of Title IV.

(7) Elimination of the public school system's recognition of educational needs of Indian children—The elimination of Title IV funding will end the trend of the public school system's recognition that the educational needs of Indian children are distinct and different. Public schools now are beginning to recognize the unique needs of Indian students and are promoting their academic achievements through the mechanisms of Title IV. Without the Title IV program, progressive education of Indian children will stop.

CONCLUSION

I find it extremely difficult to think that there is no longer a legitimate need for the educational services afforded by Title IV when I look at the gains made. Remember, Title IV is in its infant stages when compared to other educational programs which have been in existence much longer than these programs.

During the eleven years of Title IV's existence, the Indian community has made genuine achievements in the education of Indian students, substantially more than in the last two hundred years of Indian education.

President Reagan is sending unclear and contradictory messages to the Indian community. He calls for Indian self-sufficiency and self-development, yet at the very same time he proposes the elimination of critical Indian education programs. The Indian people will govern their own affairs and will determine their own direction when they are free from dependence on non-Indian experts and expertise. A self-determined community is a community that is well-educated, well-trained and able to manage its own affairs from responsible positions. Indian education is the real key to self-sufficiency and self-determination.

President Reagan's REAL Indian policy is reflected in his proposed budget. Again, thank you for the opportunity to testify.

Mr. KILDEE. I thank you very much for your testimony.

Our next witness this morning is Mr. Gregory Frazier, chief executive, the National Urban Indian Council.

Mr. Frazier.

STATEMENT OF GREGORY FRAZIER, CHIEF EXECUTIVE, NATIONAL URBAN INDIAN COUNCIL

Mr. FRAZIER. Mr. Chairman, I would like to have my testimony read into the record and I will summarize it this morning.

Mr. KILDEE. Without objection, it will be included in toto.

Mr. FRAZIER. Mr. Chairman, I would like to personally thank you, and the members of your committee, for your professional and

personal interest in Indian education. I find myself, during these last 2 years, extremely frustrated in trying to deal with the problems that Indians are faced with and trying to deal with that through the administration.

I thank God that there is someplace else to go at a higher level that takes a real and personal interest in what is going on out there.

I am a Crow Indian from the great State of Montana and I am an Indian wherever I go, contrary to what this administration would like to think. I am a dual citizen of these United States. I pay my fair share of taxes and subsequently entitle myself and my family to the citizen responsibilities to this country, but second, my family paid for the trust relationship between my tribe and this Federal Government through its treaty and through membership in that tribe.

This administration, with its budget proposals that affect Indian education, as well as other issues dealing with Indians in this country, proposes to divest itself of its responsibility to that Indian population.

For the record, I would like to point out that over 50 percent of the Indians in this country, and Alaskan Natives, now reside in the off-reservation areas. It is this population that our National Urban Indian Council Corp. was formed to deal with and advocate for. We find ourselves today dealing with the problem of Indian education, as your committee is looking at it.

First, in summary, with respect to our testimony, we obviously would like to see the Indian Education Act reauthorized. We would also like to see the service population maintained. We do not concur with the administration's proposal that to be an Indian in this country, you must reside within the reservation boundaries of your reservation.

If we are to believe the administration's arguments for the termination of the Indian education program, and if we can find other people to believe them, frankly I would like to talk to them about selling them some used cars or some real estate down in the swamps of Florida. Those are just unrealistic expectations on the part of the administration.

I found myself this morning reviewing a letter that was written to Dr. Francis McKinley, which I would also like to have entered into the record, that was dated March 10, 1971.

[The letter from Senator Kennedy follows:]

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., March 10, 1971.

Dr. FRANCIS MCKINLEY,
National Indian Training and Research Center,
Tempe, Ariz.

DEAR DR. MCKINLEY: I recently introduced an amendment to pending education legislation that constitutes the Indian Education Act, drafted in response to the recommendations of the Special Subcommittee on Indian Eduation. As you well know, the Subcommittee built a record for over two years for needed changes relating to the federal responsibility for providing education for American Indians. Your testimony aided us substantially in Subcommittee deliberations, and I would like to call upon you again for your assistance on the actual legislation.

Basically the bill sets up new programs that would provide substantial funding for Indian education programs. All public schools serving Indian children—in every

state—will be entitled to special funds, and the parents of those children will have a say over how the funds are to be used. Special grant programs will be established for demonstration programs, adult education, curriculum development, and the like, and Indian tribes, schools and organizations will be preferred applicants. Finally, the bill sets up a National Board of Indian Education. The Board will take over administration of Indian education programs presently under the Bureau of Indian Affairs, with directions to transfer control of federal schools to the local communities as soon as the communities are ready to assume control. The Board will consist of 15 members, all Indians, appointed by the President. I am enclosing an extensive explanation of the bill as part of my introductory remarks in the Senate. The full text of the bill appears at the end of these remarks.

As you will notice in my remarks, I referred to your statement recommending the establishment of an independent commission to take over Indian education functions of the Bureau. I hesitate to write into legislation a specific time period for the operation of the National Board, and I also believe that Congress will require some federal agency on the National level to oversee and have ultimate budget responsibility over the local boards and schools.

Congress will soon begin formal consideration of this legislation, and I would appreciate your comments and suggestions. I would like to treat the bill as a draft, to be improved upon throughout the legislative process on the basis of inputs from the Indian community. The National Board appears to be the central point in controversy in the bill, and since it does reflect in large part the views you presented to the Subcommittee, your support on this measure would be vital.

I hope to hear from you soon. Best regards.

Sincerely,

EDWARD M. KENNEDY.

United States of America

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United States Senate

AMENDMENT OF HIGHER EDUCATION ACT OF 1965, THE VOCATIONAL EDUCATIONAL ACT OF 1963, AND RELATED ACTS—AMENDMENT

AMENDMENT NO. 6

INDIAN EDUCATION ACT

Mr. KENNEDY. Mr. President, on behalf of myself and Senators MONDALE, BYRD of West Virginia, CANNON, CHAFEE, DOMINICK, EAGLETON, HANSEN, HART, HUGHES, HUMPHREY, INOUYE, JAVITS, MCGOVERN, PASTORE, and TUNNEY, I am submitting today an amendment to the Higher Education Act of 1971—S. 659. This amendment is intended to deal comprehensively with the problems and challenges of Indian education.

These problems and challenges are not new. Since 1794 provisions have been enacted in treaties with Indian tribes occupying this country obligating the Federal Government to educate Indian children. From the beginning, Federal policy toward the Indian was based on the desire to dispossess him of his land, and thus our Indian education policy was in essence a function of our land policy. Expression of this earlier attitude can be found in the following congressional language:

In the present state of our country, one of two things seems necessary. Either that those who of the forest should be maintained or exterminated. . . . Put into the hands of their children the primer and the bow, and they will naturally in time, take hold of the plow.

Although this education policy has not worked, neither has it been abandoned. Year after year, in study after study, the failures of Federal policy toward the Indian has been documented.

President after President has appointed Commission after Commission to inquire into and report upon Indian affairs, and to make suggestions as to the best methods of managing them. The reports are filled with eloquent statements of wrongs done to the Indians. . . . These reports are bound up with the Government's annual reports, and that is the end of them.

This statement could have been written about the commissions, reports, and studies of the 1960's. It might refer to the 1961 report by the Commission on the Rights, Liberties, and Responsibilities of the American Indian, which observed that the Indian's pride of origin and faith in himself had been "undermined by years of political and economic dependence on the Federal Government" and which astutely recommended:

The Indian himself should be the focus of all government policy affecting him.

Or it could have had in mind the 1961 Udall task force report, which concluded that the results of varying governmental policies towards Indian affairs have inevitably "disappointed both the Indian and those who were sincerely and deeply concerned about their welfare," and which outlined three-pronged objectives for Federal Indian policy as "maximum Indian economic self-sufficiency, full participation of Indians in American life, and equal citizenship privileges and responsibilities for Indians."

Or the statement could have been made about the report of the President's Task Force on American Indians of 1966, entitled "A Free Choice Program for American Indians." Then again, its author might have had in mind the "suggestions" and "eloquent statements" contained in the Carnegie report—"Who Should Control Indian Education?"—or the Josephy report—"The American Indian and the Bureau of Indian Affairs"—both submitted in 1969.

In fact, however, the quote is taken from Helen Hunt Jackson's classic, "A Century of Dishonor," written almost 90 years ago. I hope that it will not still be relevant after the 92d Congress.

One issue discussed by all of these studies is education. Their conclusions are unanimous that Indian education has not been successful. But, as recognized in the Indian-authored "Declaration of Indian Purpose" in 1961:

Of all the studies, surveys, and research made of Indians, the inevitable conclusions and recommendations are that education is the key to salvation of whatever life may be, whatever Indians reside.

How much longer are we to hear that major changes must be made in the structure and administration of Indian education programs before we respond? We heard it in the 1928 Meriam Report, recommending the end of taking children from their parents and placing them in off-reservation boarding schools, the development of curriculum materials relevant to the needs and heritage of the students, the development of bilingual materials, and the participation by Indians in school policymaking. These same recommendations were made in numerous reports in 1969 and 1970.

How much longer are we to hear that Indian education is inferior education? At the first hearing of the Special Subcommittee on Indian Education 3 years ago, the subcommittee chairman, Senator Robert Kennedy, outlined a few statistics on Indian education that have been repeated countless times since then:

Dropout rates are twice the national average;

The level of formal education is half the national average;

Achievement levels are far below those of their white counterparts;

The Indian child falls progressively further behind the longer he stays in school;

One-fourth of elementary and secondary school teachers—by their own admission—would prefer not to teach Indian children;

Indian children, more than any other group, believe themselves to be "below average" intelligence.

These statistics have been repeated countless times in the past 3 years. I hope that we have not become so used to hearing them that we fail to see them as foundation blocks for poverty, unemployment, malnutrition, alcoholism, and even suicide. Little wonder that the educational failure of Indian children has become a self-fulfilling prophecy.

Just last year a study published by the Far West Laboratory for Educational Research and Development began by observing:

We may define Indian education as the imposition of white American educational institutions upon American Indian communities.

Yet, rather than reacting by rejecting education, Indians have traditionally held it in high esteem and continue to recognize its importance. Mr. Rupert Costo, president of the American Indian Historical Society, told the Senate Subcommittee on Indian Education:

In our contact with the whites, we have always and without fail asked for one thing. We wanted education. You can examine any treaty, any negotiations with the American whites. The first condition specifically asked for by the Indian tribes was education. What we got was third-rate, lefthanded, meager, miserly unqualified training, with the greatest expenditure of federal funds and the least amount of actual education for the Indian himself.

Judged by any reasonable set of criteria, the Government has failed in its commitments and obligations to provide education to Indian children. Indian education has not provided Indian children with a minimum competence necessary to prepare them for a productive role in society at large; neither has it been responsible for perpetuation of the values and culture unique to the Indian people.

Three successive Presidents have recognized the failure of our programs and policies. Yet no new general major changes in educational structure or programing has occurred for decades. The Johnson-O'Malley Act of 1934, as amend-

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ed in 1934, is the most recent, in fact the only Federal education program which is intended uniquely to benefit Indians. Yet the purposes of this law, reported the NAACP Legal Defense and Education Fund last month, have been totally frustrated by underfunding, mistaken bureaucratic interpretation of the law, lack of enforcement of regulations, and flagrant misuse of funds on the local level.

Congress has occasionally recognized the need for major legislative reform of Indian education, but so far this recognition has resulted primarily in piecemeal amendments of general education laws.

Three years ago the Senate established a Special Subcommittee on Indian Education. The subcommittee, originally under the chairmanship of Senator Robert Kennedy, was given the mandate to "examine, investigate, and make a complete study of any and all matters pertaining to the education of Indian children."

The full details of the failure of Federal programs and policies were documented throughout seven volumes of subcommittee hearings and five volumes of committee prints. The subcommittee traveled to all parts of the country, visited schools, examined studies and reports, and heard testimony from Indians, Government officials, and others with relevant expertise. I assumed the chairmanship of the subcommittee early in 1969, and in November 1969 the subcommittee issued its final report entitled "Indian Education: A National Tragedy—A National Challenge."

From the start I believed it necessary that both Congress and the executive branch take substantial steps to provide Indian children with a quality education. At the first Indian Education Subcommittee hearing that I chaired, I observed in my opening remarks:

> The hearings should point up to the need for new policies, and new administrative and organizational approaches for implementing these new policies. Most importantly, the hearings should point up the need for amending old legislation and enacting bold new legislation so that it's a matter of a few years hence, we can proudly say that educational programs for American Indians are not only successful but exemplary, and a matter of national pride, not shame.

The final report of the Subcommittee recommended a number of legislative measures needed to raise Indian education to an exemplary level and to transfer control of Indian education to the Indian people. One of the more general recommendations—No. 6—urged:

> That there be presented to the Congress a comprehensive Indian education act to meet the special education needs of Indians both in the Federal schools and in the public schools.

The amendments I am introducing today, constituting the Indian Education Act, responds to this recommendation. The revelations and recommendations of the subcommittee, I am convinced, should not and will not be filed and forgotten.

The Indian Education Act would establish three new programs: The first would assist local educational agencies in meeting the special needs of Indian students; the second would provide funds for special programs and projects to improve Indian educational opportunities; and the third would support the improvement of adult Indian education. The act establishes an independent National Board of Indian Education, and also sets up a Bureau of Indian Education in the Office of Education. Other provisions authorize inclusion of Indian schools and students in the Education Professional Development Act, and provide for support of community colleges serving Indian students.

OVERVIEW

Let me initially outline some general points and principles which may help explain the approaches used in the drafting of the Indian Education Act. I view the bill as a first step in the legislative process, to be expanded and improved upon throughout that process.

First. The bill is intended to be responsive to the recommendations of the Special Subcommittee on Indian Education, so that even if no specific legislative hearings were held on this bill, an adequate basis would exist in the subcommittee record to support each title. And there was extensive input by the Indian community in that record. I believe that during hearings on this bill some additions would be appropriate.

For example, because of the absence of specific subcommittee recommendations on these points, the bill does not include provisions dealing with preschool programs, school construction, or higher education scholarship assistance. These are vital to any comprehensive approach to Indian education, and I am sure that a record can be built during the course of hearings on this bill to support such inclusions. Specific titles relating to these issues will probably be appropriate in final legislation.

Second. The Indian Education Act addresses itself to all Indians. It recognizes that as to urban Indians, terminated tribes, and other non-Federal Indians, there exists a responsibility on the part of the Federal Government—at minimum, remedial in nature—to provide educational assistance. As we all must recognize, the impoverishment and educational deprivation of many of the so-called non-Federal Indians are due in major part to the affirmative activities and programs of the Federal Government in the past. The disastrous termination policies of the 1950s leading to a premature withdrawal of Federal assistance for some tribes left these tribes often with no program base whatsoever. The vigorous relocation program of the Bureau of Indian Affairs has transported many Indians from their reservation setting to urban areas, where they soon found themselves without work, without housing, and within different or even hostile school administrators making it impossible for their children to achieve a quality, much less a relevant, education. Thus the grant and entitlement provisions of this bill, by applying to all Indians, attempt to remedy in part the consequences of past Federal policies and programs.

Third. This bill does not amend in any way the Johnson-O'Malley Act of 1934. As pointed out in a recent study of the administration of that act, the major problems and shortcomings associated with it stem from regulations promulgated by and procedures employed by the Bureau of Indian Affairs. Since the resolution of the basic failings of that act do not require legislation, the Indian Education Act approaches reform of Indian education without dealing directly with the Johnson-O'Malley program.

Fourth. The bill I am introducing does not attempt to carve out set-asides in present programs in order to insure a place for Indians in those programs. This is certainly one possible legislative approach—one used in the past in Indian education amendments and one that I hope will be adopted in other areas, including manpower and employment—but it is one which should be rejected here. The Indian Education Subcommittee stated, in its final report:

> A proliferation of set-asides for BIA schools in Federal education statutes, such as ESEA, is an unsatisfactory means of bringing to Indian youngsters the advantages of the wide variety of programs set forth in Federal law.

Thus in titles dealing with public and with Federal schools, the act establishes new programs rather than merely setting aside finds in various presently existing programs for Indian needs.

Fifth. The bill, while transferring administration and control of Federal Indian schools to the National Board of Indian Education, does not effectuate a transfer of Indian education programs and activities from the Bureau of Indian Affairs over to the Department of Health, Education, and Welfare. It simply transfers these to the National Board of Indian Education. The Board, consisting of 15 presidential appointees, is intended to be basically independent of the line of authority of both executive departments. Where it is to be located—for office, personnel, and budgetary purposes—is a question which I believe requires substantially greater discussion in both Government and Indian circles and which I thus am deferring until hearings on the bill have been completed.

Finally, I have attempted to tailor the Indian Education Act to the specific needs of the Indian community, so that it will not constitute merely more of the same, only in different packaging. Special emphasis and attention are given to the need for accountability in programing at the local level. Liaisonrice, token appointments, and advisory roles are no substitutes for Indian control of Indian education. This, and nothing short of it, is what self-determination is all about.

PAST EXPERIENCE OF IMPACTED AREA PROGRAM AS RELATES TO INDIAN CHILDREN

The Special Subcommittee on Indian Education found:

> While Indian education is receiving some financial assistance through Public Law 81-874, it is hardly enough to provide students with an equal education opportunity.

Public Law 874 was passed by Congress in the 1950's, primarily as a result of the military activities of the Federal Government, to provide financial assistance where Federal activities—especially military installations—resulted in loss of part of the tax base for local school systems. Indians were not included in Public Law 874 when enacted into law, and its original purpose is unrelated to Indian education. Yet this law has become the major source of Federal funds for public school districts with substantial Indian enrollments.

In addition to the problem of insufficiency of funding under Public Law 874,

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as recognized by the subcommittee, the NAACP Legal Defense and Education Fund in its January 1971 report entitled "An Even Chance," found that discriminatory allocation of educational services in local districts meant that 874 funds "do little to improve the educational opportunities of Indian children." As the report points out:

The fact that a school district receives Impact Aid (P.L. 874) funds based on a count of Indian children does not mean that Indians necessarily get their fair share of that money or of the district's total revenues. Federal payments go directly into the general operating fund of the district together with all other revenues. The money is used as general aid and no reporting or accounting of funds is required.

There is for example, no Federal requirement that districts demonstrate that Indian children have received a fair share of the Impact Aid funds equal to that of all other children. Nor is there any requirement that districts demonstrate that they have not discriminated against Indian students in the allocation of state and local resources.

In large districts where Indian enrollment is concentrated in certain schools close to the reservation, there is typically a vast difference in the quality of education, the condition of the school, and the provision of books and supplies offered in those schools from those offered in the predominantly non-Indian schools. The differences are so obvious as to lead to the inescapable conclusion that Indian children are not receiving an equal share of anything.

In fact, Indian schools are often in greater need of assistance than other eligible schools because of the special remedial education requirements of Indian children. Yet Public Law 874 makes no distinction in their favor. Furthermore, while Public Law 874 has served as an inducement to public schools to accept Indian children, insufficient funding has left many districts with Indian children but no funds to educate them. Title I of the Indian Education Act is designed to correct these problems.

Title I amends Public Law 874 by adding a new title to be known as the Indian Elementary and Secondary School Assistance Act. Under this title, the Commissioner of Education is authorized to make grants to local educational agencies based on the number of Indian children in average daily attendance. The amount of the grant is determined by multiplying the agency's average per pupil expenditure by the number of Indian students enrolled in the school, not the number of children on or near the reservation. Grants may be used for both planning and pilot projects, and for the establishment and operation of programs. They are authorized during a 5-year period from fiscal 1972 through 1977.

Grant applications must set forth a program for meeting the special educational needs of Indian children, provide for effective annual evaluation procedures, and insure that Federal funds will supplement and not supplant other available funds. It is especially important for Indian children that the funds provided by title I be used for Indian education and not be absorbed into regular school budgets. Thus section 304 requires that funds be used for programs "especially designed to meet the special educational needs of Indian children." As a recent AIRT associates report for the Bureau of Indian Affairs stated:

If "equality of educational opportunity" is defined in input terms, both inputs of students with their pre-school educations, and the in-school factors of teachers, curricula, facilities, and equipment must be considered. Since most Indian children begin school with the environmental handicaps of rural poverty, cultural isolation, low level of "parent" education, and in many cases (particularly Navajo and Eskimo) a non-English native language, equality of educational inputs requires greatly superior in-school resources of teachers, curricula, facilities, and equipment to balance the inadequate pre-school preparation of most Indian children.

In addition, parents of the children to be served, tribal organizations, and the State educational agencies must have an opportunity to review and comment on the application. Even where the number of Indian children in the public school is small, it is important that the Indian people involved be afforded the opportunity to participate in the educational process affecting their children. Therefore the first title contains especially detailed provisions requiring open consultation with parents and students and approval of a committee composed of parents participating in the program.

PART B—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

The investigations of the Special Subcommittee on Indian Education revealed that Indian students in Federal schools score more than 2 years below national norms on achievement tests. Forty percent of the students drop out before graduation. Public schools enrolling Indians rarely include coursework which recognizes Indian history, culture, or language, and in fact often use materials and approaches which are derogatory toward Indians. Clearly the educational opportunities for Indian children are in desperate need of improvement.

Title II of the Indian Education Act adds a new section to title VIII of the Elementary and Secondary Education Act which will authorize the Commissioner of Education to make grants to—

State and local educational agencies and other public and private organizations—including federally supported Indian schools—for planning, pilot, and demonstration projects to improve educational opportunities for Indian children.

State and local educational agencies and the National Board of Indian Education for program to provide educational services not available in sufficient quantity or quality for Indian children, and to establish exemplary programs and centers to enrich Indian education.

Institutions of higher education, and to State and local educational agencies in combination with such institutions, for the training or retraining of educational personnel serving Indian children; and

Public and private nonprofit organizations for the dissemination of information of Indian education and the evaluation of federally assisted programs.

Grant applications must provide for the coordination of all available resources to insure a comprehensive program, the training of participating personnel, evaluation, and parent and tribal community participation in all facets of the program. For these grants, $25,000,000 is authorized in fiscal 1972 and $35,000,000 for each of the four succeeding fiscal years.

This title is basically an expanded version of S. 4059 which I introduced in the last Congress. It is intended to provide the first steps toward fulfilling the recommendations of the Indian Education Subcommittee that Indian education be exemplary, with outstanding innovative programs taking into consideration the emotional, social and identity problems—as well as the educational problems—of Indian youth.

After June 1972, funds for library resources, supplementary educational centers and services, and education of the handicapped—titles II, III, and IV of the Elementary and Secondary Education Act—which were formerly allotted to the Department of Interior, will be discontinued. Funds for these purposes will be available under this new section of title VIII. Schools serving Indian children will remain eligible to participate in bilingual programs under title VII.

PART C—SPECIAL PROGRAMS RELATING TO ADULT EDUCATION FOR AMERICAN INDIANS

The Commission on the Rights, Liberties, and Responsibilities of the American Indian observed in 1961:

Indian parents, without a tradition of formal education behind them, find it hard to understand its needs or benefits. Poor families must sacrifice to keep their young ones in school. They have a hard time earning enough money for clothes and shoes and are loath to surrender the potential wage the children might earn. Such parents rarely give youngsters the incentive to attend school regularly or to continue to higher levels. In such cases, adult education, which benefits not only the parent but indirectly the child, is called for.

About 75,000 Indian adults have not completed a fifth grade education. Less than one-fifth of the adult Indian population has completed high school. Functional illiteracy is one of the major causes of Indian poverty and unemployment, and almost nothing is being done about it. The Indian Education Subcommittee observed:

A major commitment should be made to the adult education programs for American Indians. The national need for such a commitment is all too evident in the low economic status, rise in alcoholism, lack of employment capabilities, the inability of too many Indian adults to read and write, and the general lack of fulfillment of Indian adults on reservations.

Title III of the Indian Education Act would add a new section to the Adult Education Act. It would authorize the Commissioner of Education to make grants to support planning, pilot, and demonstration projects, the dissemination of information, and the evaluation of adult Indian education programs. In addition, the Commissioner is authorized to assist in the establishment and operation of Indian adult basic education programs, to support a major research and demonstration effort in this field, and to determine accurately the extent of illiteracy and lack of high school completion of Indian adults.

Applications must provide for evaluation and the participation by tribal communities and the persons to be served in all aspects of the program. In fact, approvable Indian applicants are, under the provisions of this title and title I of the

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India. Education Act, to be given preference in funding. Five million dollars is authorized for fiscal 1972 and eight million dollars for each of the four succeeding fiscal years.

PART B—NATIONAL BOARD OF EDUCATION; BUREAU OF INDIAN EDUCATION; MISCELLANEOUS

It is my strong belief that before really effective, exemplary programs to improve Federal Indian schools and Indian education generally are possible, a reorganization of existing efforts is mandatory. The present lack of quality, quantity, and coordination in the provision of Indian educational opportunity is so severe that only a fresh and concerted approach, one which actively encourages Indian participation and control, at both the national and local levels, can turn the tide.

The establishment of a National Board of Indian Education is consistent with the conclusions of every study of Federal Indian schools, and was a key recommendation in the final report of the Special Indian Education Subcommittee. Mr. DOMINICK, who is a cosponsor of this bill, was in large part responsible for the adoption of this recommendation by the subcommittee. The subcommittee suggested that the National Board "have oversight over the operations of the schools and have authority to set standards and criteria and determine policy within the framework of the law." The National Board could then be instrumental in the establishment of local school boards, giving substance to the objective of self-determination of Indian education.

The minority members of the subcommittee, who contributed significantly to its efforts, stated as the most important recommendation the provision of a vehicle to achieve "guidance by Indians themselves of the education of their own children through national and local Indian boards of education." Just this past July the President recognized that Indian control of Indian education should be a primary objective of our national policy.

Title IV of the Indian Education Act would establish a 15-member National Board of Indian Education, appointed by the President from nominees furnished by Indian tribes and organizations. Members will serve staggered terms of 3 years. The staff of the National Board will include an Executive Director and a Superintendent of Indian Education.

Dr. Glen Nimnicht and Dr. Francis McKinley, of the Far West Laboratory for Educational Research and Development, told the Indian Education Subcommittee early in 1969:

The BIA is established within the Department of Interior whose interests lie mainly with resources, and deals primarily with special interests such as the oil and mineral industries, grazing lands, outdoor recreation, reclamation, etc. . . . One has only to examine the yearly BIA budget requests and what it eventually gets in appropriations to see that actions aimed at getting Indians away from the reservations, such as the relocation programs, receive ample funding while those which would promote Indian development on his home grounds receive inadequate or no funding.

In light of these facts, Drs. Nimnicht and McKinley recommended that responsibility for educating American Indians from the BIA to a Federal Commission. The National Board would be comparable to such a commission.

The Nimnicht-McKinley suggestion included a mandate to the Commission to turn over control of Indian education to the Indian people within a period of 5 years. This aspect of their recommendation has not been adopted in title IV of the bill, since Indians will control the National Board, the National Board is directed to immediately take steps to vest control over individual schools at the local level, and because any legislated time frame is too unyielding and implies imposition upon communities of unnecessary outside limitations.

One thing is clear, as Nimnicht and McKinley forcefully recognized—the Bureau of Indian Affairs does not appear capable of self-renewal or internal reform. Two of the three top education positions in the BIA have remained empty for almost 3 years. Leon Osview observed to the Indian Education Subcommittee:

The BIA structure is designed more than most for stability. It is doubtful that very much could be done with or to the people in the organization, given the present structure, to encourage innovative practice.

The General Accounting Office scored the Bureau for a "total absence of any research and demonstration funds" in its budget, and Edgar Cahn, in his recent book, found:

Judged by four basic standards of governmental performance—efficiency, technical competence, innovation or effective advocacy—the Bureau of Indian Affairs is a failure.

And Alvin Josephy, in a report to the White House in 1969, put it bluntly:

On the reservation level, where Indians are trying to participate constructively to help frame design and execute programs to meet their problems, they are hamstrung and frustrated daily by an endless round of delays and negativism occasioned by the internal workings of the higher echelons of the Bureau. The effect is that the Indians cannot participate in making decisions for themselves, for in meaningful things, the decisions cannot be made at their level. Government protestations in support of the principle of self-determination notwithstanding, the important decisions must be, and are, made—under the present arrangement—in the echelons above the Indians.

Thus I believe it is necessary, as well as desirable, to transfer the administration of education programs from the Bureau to the new National Board of Indian Education.

The National Board will be responsible for all functions relating to Indian education which were formerly carried out by the Bureau of Indian Affairs. This will include administration of the Johnson-O'Malley program. The Board may establish local school districts and authorize school boards, selected at the local level, for Federal Indian schools. The Board is thus given complete flexibility to provide the mechanisms—and the funding—for local takeover of education programs and functions under its authority. If the local community in which a Federal school is located does not wish to assume immediate control of the school, it does not have to; in that case, the National Board will continue to administer that school. But if the community wishes to assume control of its school, it may do so under such regulations and guidelines as are issued by the Board. The National Board will have legislative authority to provide funds directly to the local Indian school boards, without the need for complex and time-consuming contracting.

If the local boards wish to affiliate their schools with the State systems and become local educational agencies recognized under title I of the act, then at that time the National Board will relinquish its authority and terminate its administrative oversight. To take up the possible gap in funding in these situations and to get these new "public" Indian schools off the ground, the Commissioner of Education is provided with discretionary funds in title I of the act.

The National Board will also serve an advisory role to the Commissioner of Education on the administration of various programs relating to Indian education under his jurisdiction, including parts A, B, and C of this amendment.

The National Board, finally, is directed to investigate off-reservation boarding schools to determine which should be converted to therapeutic treatment centers, to examine the boarding schools with a view to implementing necessary reforms, and to report its findings to the Congress by January 1, 1973. Approximately 11,320 Indian children attend the 19 Federal off-reservation boarding schools, and the Indian Education Subcommittee observed in its report that these schools fail both to educate and to meet the psychological and social needs of the students as individuals. In fact, the report states:

A strong case can be made . . . that the boarding schools contribute to the students' mental health problems.

Reports last year came into my office substantiating this statement and outlining problem after problem with boarding schools. The National Indian Youth Council charged the Intermountain School, for example, with discrimination against Indian employees, discrimination against native religious practices, language, and culture, and brutality against Indian students. The Intermountain School Chapter of Americind, Inc., called Intermountain "a bed for illicit practices." It alleged harassment of Indian employees, discrimination against Indian students and employees, mismanagement, and mistreatment of students. The BIA has been asked to investigate these charges but has apparently shown resistance to instituting any substantial reforms. Clearly institutional reforms, not cosmetic treatment, are called for. The National Board of Indian Education should initiate the proper reforms.

The amendment I am introducing leaves unresolved the relationship of the National Board of Indian Education to the Bureau of Indian Affairs insofar as the Bureau provides support services related to, but not considered, educational services. This area must be more fully explored in hearings. But what is assumed from the start, and what is etched in its history, is the incapacity of the BIA to provide satisfactory and relevant education for Indian children. Thus, the National Board will take over this function from the Bureau.

To administer Indian education programs under the jurisdiction of HEW, a Bureau of Indian Education would be established in the Office of Education, headed by a Deputy Commissioner of Education to be appointed by the President from nominees submitted by the National Board.

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PART B—MISCELLANEOUS PROVISIONS

Various provisions of the Education Professions Development Act—title V of the Higher Education Act—would be amended to reflect the educational personnel needs of Indian children and schools. Title III of the Higher Education Act, designed to strengthen developing institutions of higher education, would be amended so as to include recently created institutions on or near Indian reservations, in order to increase the availability of higher education for Indians.

The amendments to titles III and V of the Higher Education Act were recommended by the Indian Education Subcommittee and were proposed in the last Congress in two bills introduced by Senator Dominick. I have incorporated those bills into this title for convenience, but I would like to acknowledge the interest, involvement, and initiative of the Senator from Colorado in this area, as reflected in his contributions to the work of the subcommittee and his introduction of these bills.

The National Board of Indian Education is directed, in the final provisions of the title, to raise the Institute of American Indian Arts at Santa Fe, N. Mex., to the level of a 4-year college, to provide support for community colleges on or near Indian reservations, to study the feasibility of Indian community colleges and work toward their establishment and to report to Congress on these matters by July 1, 1976.

CONCLUSION

The Indian Education Act may go farther than some at this time deem advisable. I do not think so. Most of the provisions of the bill respond to problems that have been around for a long time. Many reflect recommendations made for decades. This is not to say that there is only one way to approach Indian education reform. The Indian Education Act represents an attempt at maximum flexibility in balancing the needs of Indian children with the realities of program limitations. Of course, funding will be crucial. We should not go through the motions of setting up new far-reaching programs if we do not intend adequately to fund them. At least this bill will make quite clear the challenge to Congress to provide sufficient funds where and when they are most needed.

This bill may not, on the other hand, meet the expectations of some. It does not authorize Federal funding to supplant every dollar spent by local public school districts in the education of Indian children. It does not provide vouchers or stamps to be used by parents or tribal councils in administering the education of Indian children. These proposals are not rejected as necessarily undesirable, but only as being at this time impractical. I am not prepared to tell American Indians and Alaskan Natives that they must wait decades longer before the Government can work out some ideal legislative approach to providing exemplary educational opportunities for their children. The Indian Education Act represents a commitment on the part of its sponsors to improving and reforming Indian education in 1971, on the basis of immediate needs and wishes of the Indian people.

One of the witnesses before the Indian Education Subcommittee, Mr. William Pensoneau, observed:

The problem is not with the Indians. They merely react.

The problem is with the institutions that service Indians . . .

The institutions that serve Indians were created by man.

The Indians were created by God. Surely the institutions are more amenable to change than the people.

The subcommittee concluded on the basis of this and similar testimony, that—

Our national policies for educating American Indians are a failure of major proportions. Past generations of lawmakers and administrators have failed the American Indian. Our own generation thus faces a challenge—we can continue the unacceptable policies and programs of the past or we can recognize our failures, renew our commitments, and reinvest our efforts with new energy.

The amendment I have introduced today would provide us with the means to respond to that challenge. It would constitute a new and vital commitment to quality educational opportunity for the American Indian—a commitment which is essential to the restoration of this Nation's legal and moral integrity.

Mr. President, I ask unanimous consent that the Indian Education Act amendment in its entirety and a section by section analysis of that amendment be printed in the RECORD at the end of my statement.

There being no objection, the amendment and analysis were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 8

On page 130, after line 21, insert the following:

TITLE V—INDIAN EDUCATION

PART A—REVISION OF IMPACTED AREAS PROGRAM AS IT RELATES TO INDIAN CHILDREN

SEC. 501. (a) The Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by redesignating title III as title IV, by redesignating sections 301 through 305 and references thereto as sections 401 through 405, respectively, and by adding after title II the following new title:

"TITLE III—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR THE EDUCATION OF INDIAN CHILDREN

"SHORT TITLE

"SEC. 301. This title may be cited as the 'Indian Elementary and Secondary School Assistance Act'.

"DECLARATION OF POLICY

"SEC. 302. (a) In recognition of the special educational needs of Indian students in the United States, Congress hereby declares it to be the policy of the United States to provide financial assistance to local educational agencies to develop and carry out elementary and secondary school programs specially designed to meet these special educational needs.

"(b) During the period beginning June 1, 1972, and ending June 30, 1977, the Commissioner shall, in order to effectuate the policy set forth in subsection (a) carry out a program of making grants to local educational agencies which are entitled to payments under this title and which have submitted, and had approved, applications therefor, in accordance with the provisions of this title.

"GRANTS TO LOCAL EDUCATIONAL AGENCIES

"SEC. 303. (a) For the purpose of computing the amount to which a local educational agency is entitled under this title for any fiscal year in the period during which grants are to be made, as specified in section 305(b), the Commissioner shall determine the number of Indian children who were enrolled in the schools of a local educational agency, and for whom such agency provided free public education, during such fiscal year.

"(b)(1) The amount of the grant to which a local educational agency is entitled under this title for any fiscal year shall be an amount equal to (A) the average per pupil expenditure for such agency (as determined under paragraph (3)) multiplied by (B) the sum of the number of children determined under subsection (a).

"(2) A local educational agency shall not be entitled to receive a grant under this title for any fiscal year unless the number of children under subsection (a), with respect to such agency, is at least ten.

"(3) For the purpose of this subsection, the average per pupil expenditure for a local educational agency shall be the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made, of all of the local educational agencies in the State in which such agency is located, plus any direct current expenditures by such State for the operation of such agencies (without regard to the sources of funds from which either of such expenditures are made), divided by the aggregate number of children who were in average daily attendance for whom such agencies provided free public education during such preceding fiscal year.

"(c) In addition to the sums appropriated for any fiscal year for grants to local educational agencies under this title, there is hereby authorized to be appropriated for any fiscal year an amount not in excess of 1 per centum of the amount appropriated for payments on the basis of entitlements under this section for that fiscal year, for the purpose of enabling the Commissioner to provide financial assistance to schools on or near reservations which are not local educational agencies or have not been local educational agencies for more than three years, in accordance with the appropriate provisions of this title.

"TERM OF FEDERAL FUNDS

"SEC. 304. Grants under this title may be used, in accordance with applications approved under section 305, for—

"(a) planning for and taking other steps leading to the development of programs specially designed to meet the special educational needs of Indian children, including pilot projects designed to test the effectiveness of plans so developed; and

"(b) the establishment, maintenance, and operation of programs, including, in accordance with special regulations of the Commissioner, minor remodeling of classroom or other space used for such programs and acquisition of necessary equipment, specially designed to meet the special educational needs of Indian children.

"APPLICATION FOR GRANTS; CONDITIONS FOR APPROVAL

"SEC. 305. (a) A grant under this title, except as provided in section 303(b)(3), may be made only to a local educational agency or agencies, but only upon application to the Commissioner at such time or times, in such manner, and containing or accompanied by such information as the Commissioner deems necessary. Such application shall—

"(1) provide that the activities and services for which assistance under this title is

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sought will be administered by or under the supervision of the applicant;

"(5) set forth a program for carrying out the purposes of section 304, and provide for such methods of administration as are necessary for the proper and efficient operation of the program;

"(6) in the case of an application for payments for planning, provide that (A) the planning was or will be directly related to programs or projects to be carried out under this title and has resulted, or is reasonably likely to result, in a program or project which will be carried out under this title, and (B) the planning funds are needed because of the innovative nature of the program or project or because the local educational agency lacks the resources necessary to plan adequately for programs and projects to be carried out under this title;

"(7) provide that effective procedures, including provisions for appropriate objective measurement of educational achievement, will be adopted for evaluating at least annually the effectiveness of the programs and projects in meeting the special educational needs of Indian students;

"(8) set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will be so used to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the education of Indian children and in no case supplant such funds;

"(9) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under this title; and

"(10) provide for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of Indian students in the area served, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"(b) An application by a local educational agency or agencies for a grant under this title may be approved only if it is consistent with the applicable provisions of this title and—

"(1) meets the requirements set forth in subsection (a);

"(2) provides that the program or project for which application is made—

"(A) will utilize the best available talents and resources (including persons from the Indian community) and will substantially increase the educational opportunities of Indian students in the area to be served by the applicant; and

"(B) has been developed—

"(i) in open consultation with parents of Indian children, teachers, and, where applicable, secondary school students, including public hearings at which such persons have had a full opportunity to understand the program for which assistance is being sought and to offer recommendations thereon, and

"(ii) with the participation and approval of a committee composed of parents of children participating in the program for which assistance is sought, teachers, and, where applicable, secondary school students, of which at least half the members shall be such parents;

"(C) sets forth such policies and procedures as will insure that the program for which assistance is sought will be operated in consultation with, and the involvement of, parents of the children and representatives of the area to be served, including the committee established for the purposes of clause (2)(B)(ii).

"(3) has been submitted to the appropriate State educational agency for comment and recommendations.

"(c) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulations, be subject to approval in the same manner as original applications.

"PAYMENTS

"Sec. 306. (a) The Commissioner shall, subject to the provisions of section 307, from time to time pay to each local educational agency which has had an application approved under section 305, an amount equal to the amount expended by such agency in carrying out activities under such application.

"(b)(1) No payments shall be made under this title for any fiscal year to any local educational agency in a State which has taken into consideration payments under this title in determining the eligibility of such local educational agency in that State for State aid, or the amount of that aid, with respect to the free public education of children during that year or the preceding fiscal year.

"(2) No payments shall be made under this title to any local educational agency for any fiscal year unless the State educational agency finds that the combined fiscal effort (as determined in accordance with regulations of the Commissioner) of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding fiscal year.

"ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS

"Sec. 307. (a) If the sums appropriated for any fiscal year for making payments under this title are not sufficient to pay in full the total amounts which all local educational agencies are eligible to receive under this title for such fiscal year, the maximum amounts which all such agencies are eligible to receive under this title for such fiscal year shall be ratably reduced. In case additional funds become available for making such payments for any fiscal year during which the first sentence of this subsection is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

"(b) In the case of any fiscal year in which the maximum amounts for which local educational agencies are eligible have been reduced under the first sentence of subsection (a) and in which additional funds have not been made available to pay in full the total of such maximum amounts under the second sentence of such subsection, the Commissioner shall fix dates prior to which each local educational agency shall report to him on the amount of funds available to it under the terms of section 306(a) and subsection (b) of this section, which it estimates, in accordance with regulations of the Commissioner, that it will expend under approved applications. The amounts so available to any local educational agency, or any amount which would be available to any other local education agency if it were to submit an approvable application therefor, which the Commissioner determines will not be used for the period of its availability, shall be available for reallocation to those local educational agencies, in the manner provided in the second sentence of subsection (a), which the Commissioner determines will need additional funds to carry out approved applications, except that no local educational agency shall receive an amount under this sentence which, when added to the amount available to it under subsection (a), exceeds its entitlement under section 306.

"DEFINITION

"Sec. 308. As used in this title, the term 'Indian' means any individual who is an enrolled member of a tribe, band, or other organized group of Indians, or who is a descendant of any such enrolled member, or who is considered by the Secretary of Interior to be an Indian.".

(b)(1) Paragraph (1) of section 103(a) of title I of the Elementary and Secondary Education Act of 1965 is amended—

(A) by striking out subparagraph (B), and by striking out "(A)" where it appears after "Sec. 103. (a)(1)";

(B) in the fourth sentence thereof, by striking out "and the terms upon which payment shall be made to the Department of Interior"; and

(C) by striking out the third sentence thereof.

(2) Paragraph (1) of section 303 of the Act of September 30, 1950, is amended—

(A) in the second sentence, by striking out "(A) except for the purposes of section 6, real property held in trust by the United States for individual Indians or Indian tribes, and real property held by individual Indians or Indian tribes which is subject to restrictions on alienation imposed by the United States," and by redesignating clauses (B), (C), and (D) thereof, and all references thereto, as clauses (A), (B), and (C), respectively; and

(B) in the fourth sentence (i) by inserting before the period at the end thereof the following: ", or (C) Indian reservations, or other property held (i) in trust by the United States for individual Indians or Indian tribes or (ii) held by individual Indians or Indian tribes which is subject to restrictions on alienation imposed by the United States", and (ii) by striking out "and (B)" and inserting in lieu thereof ", or (B)".

PART B—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

AMENDMENT TO TITLE VIII OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Sec. 821. (a) Title III of the Elementary and Secondary Education Act of 1965 is amended by adding to the end thereof the following new section:

"IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR AMERICAN INDIAN CHILDREN

"Sec. 810. (a) The Commissioner shall carry out a program of making grants for the improvement of educational opportunities for American Indian children—

"(1) to support planning, pilot, and demonstration projects in accordance with subsection (b), which are designed to test and demonstrate the effectiveness of programs for improving educational opportunities for American Indian children;

"(2) to assist in the establishment and operation of programs, in accordance with subsection (c), which are designed to stimulate (A) the provision of educational services not available to American Indian children in sufficient quantity or quality, and (B) the development and establishment of exemplary educational programs to serve as models for regular school programs in which American Indian children are educated;

"(3) to assist in the establishment and operation of preservice and inservice training programs, in accordance with subsection (d), for persons serving Indian children as educational personnel; and

"(4) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to American Indian children. In the case of activities of the type described in clause (3), preference shall be given to the training of Indians.

"(b) The Commissioner is authorized to make grants to State and local educational

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agencies and other appropriate public and private educational and research agencies, organizations, and institutions (including federally supported elementary and secondary schools for Indian children) to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for improving educational opportunities for American Indian children, including—

"(1) innovative programs related to the educational needs of educationally deprived children;

"(2) bilingual and bicultural education programs and projects;

"(3) special health and nutrition services, and other related activities, which meet the special health, social, and psychological problems of Indian children; and

"(4) coordinating the operation of other federally assisted programs which may be used to assist in meeting the needs of such children.

"(c) The Commissioner is also authorized to make grants to State and local educational agencies and to the National Board of Indian Education to assist and stimulate them in developing and establishing educational services and programs specifically designed to improve educational opportunities for American Indian children. Grants may be used—

"(1) to provide educational services not available to such children in sufficient quantity or quality, including—

"(A) remedial and compensatory instruction, school health, personal education, psychological and other services designed to assist and encourage Indian children to enter, remain in, or reenter elementary or secondary school,

"(B) comprehensive academic and vocational instruction,

"(C) instructional materials (such as library books, textbooks, and other printed or published or audiovisual materials) and equipment,

"(D) comprehensive guidance, counseling, and testing services,

"(E) special education programs for handicapped and preschool children,

"(F) bilingual and bicultural education programs, and

"(G) other services which meet the purposes of this subsection, and

"(2) for the establishment and operation of exemplary and innovative educational programs and centers, involving new educational approaches, methods, and techniques designed to enrich programs of elementary and secondary education for Indian children.

"(d) The Commissioner is also authorized to make grants to institutions of higher education and to State and local educational agencies, in combination with institutions of higher education, for carrying out programs and projects—

"(1) to prepare persons to serve Indian children as teachers, teacher aides, social workers, and ancillary educational personnel, and

"(2) to improve the qualifications of such persons who are serving Indian children in such capacities. Grants for the purpose of this subsection may be used for the establishment of fellowship programs leading to an advanced degree for institutes and, as part of a continuing program, for seminars, symposia, workshops, and conferences.

"(e) The Commissioner is also authorized to make grants to, and contracts with, public and private agencies, organizations, and institutions (except that no grant may be made to an agency, organization, or institution other than one which is nonprofit) for—

"(1) the dissemination of information concerning education programs, services, and resources available to Indian children, including evaluations thereof, and

"(2) the evaluation of the effectiveness of federally assisted programs in which Indian children may participate in achieving the purposes of such programs with respect to such children.

"(f) Applications for a grant under this section shall be submitted at such time, in such manner, and shall contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the Commissioner. Such applications shall—

"(1) set forth a statement describing the activities for which assistance is sought;

"(2) in the case of an application for the purposes of subsection (c), subject to such criteria as the Commissioner shall prescribe, provide for the use of funds available under this section, and for the coordination of other resources available to the applicant, in order to insure that, within the scope of the purpose of the project, there will be a comprehensive program to achieve the purposes of this section;

"(3) in the case of an application for the purposes of subsection (c), make adequate provision for the training of the personnel participating in the project; and

"(4) provide for an evaluation of the effectiveness of the project in achieving its purpose and those of this section.

The Commissioner shall not approve an application for a grant under subsection (b) or (c) unless he is satisfied that there has been participation by tribal communities and parents of the children to be served in the planning and development of the project, and that there will be such a participation in the operation and evaluation of the project. In approving applications under subsection (a) or (b), the Commissioner shall not approve an application from non-Indian educational agencies, organizations, and institutions until all approvable applications from Indian educational agencies, organizations, and institutions have been approved.

"(g) For the purpose of making grants under this section there are hereby authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1972, and $30,000,000 for each of the four succeeding fiscal years."

(b) (1) Effective after June 30, 1972, the Elementary and Secondary Education Act of 1965 is amended—

(A) in section 202(a)(1), by striking out "(A) the Secretary of the Interior the amount necessary for such assistance for children and teachers in elementary and secondary schools operated for Indian children by the Department of the Interior, and (B)" and by striking out "Secretary of the Interior and the";

(B) in section 302(a)(1), by striking out "(A) the Secretary of the Interior the amount necessary to provide programs and projects for the purpose of this title for individuals on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, and (B)" and by striking out "Secretary of the Interior and the".

(2) Effective after June 30, 1972, the second sentence of paragraph (1) of section 613(a) of the Education of the Handicapped Act is amended to read as follows: "The Commissioner shall allot the amount appropriated pursuant to this paragraph among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, according to their respective needs.".

PART C—SPECIAL PROGRAMS RELATING TO ADULT EDUCATION FOR AMERICAN INDIANS

AMENDMENT TO TITLE III OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 341. Title III of the Elementary and Secondary Education Amendments of 1966 (the Adult Education Act) is amended by redesignating sections 314 and 315, and all references thereto, as sections 315 and 316, respectively, and by adding after section 313 the following new section:

"IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT AMERICAN INDIANS

"SEC. 314. (a) The Commissioner shall carry out a program of making grants to State and local educational agencies and other appropriate public and private educational and research agencies, organizations, and institutions to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of programs for providing adult education for American Indians—

"(1) to support planning, pilot, and demonstration projects which are designed to test and demonstrate the effectiveness of programs for improving employment and educational opportunities for adult American Indians;

"(2) to assist in the establishment and operation of programs which are designed to stimulate (A) the provision of basic literacy opportunities to all nonliterate Indian adults, and (B) the provision of opportunities to all Indian adults to qualify for a high school equivalency certificate in the shortest period of time feasible;

"(3) to support a major research and development program to develop more innovative and effective techniques for achieving the literacy and high school equivalency goals;

"(4) to provide for basic surveys and evaluations thereof to define accurately the extent of the problems of illiteracy and lack of high school completion on Indian reservations;

"(5) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian adults.

"(b) The Commissioner is also authorized to make grants to, and contracts with, public and private agencies, organizations, or institutions (except that no grant may be made to an agency, organization, or institution other than one which is nonprofit) for—

"(1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations thereof, and

"(2) the evaluation of the effectiveness of federally assisted programs in which Indian adults may participate in achieving the purposes of such programs with respect to such adults.

"(c) Applications for a grant under this section shall be submitted at such time, in such manner, and contain such information, and shall be consistent with such criteria, as may be established as requirements in regulations promulgated by the Commissioner. Such applications shall—

"(1) set forth a statement describing the activities for which assistance is sought;

"(2) provide for an evaluation of the effectiveness of the project in achieving the purposes and those of this section.

The Commissioner shall not approve an application for a grant under subsection (a) unless he is satisfied that there has been participation by tribal communities and individuals to be served in the planning and development of the project, and that there will be such a participation in the operation and evaluation of the project. In approving applications under subsection (a), the Commissioner shall not approve an application from non-Indian educational agencies, organizations, and institutions until all approvable application from Indian educational agencies, organizations, and institutions have been approved.

"(d) For the purpose of making grants under this section there are hereby authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1972, and

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$8,000,000 for each of the four succeeding fiscal years.".

PART D—NATIONAL BOARD OF INDIAN EDUCATION; BUREAU OF INDIAN EDUCATION; MISCELLANEOUS

NATIONAL BOARD OF INDIAN EDUCATION

SEC. 361. (a) There is hereby established the National Board of Indian Education (referred to in this title as the "National Board"), which shall consist of fifteen members appointed by the President of the United States, with the advice and consent of the Senate. Such appointments shall be made by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations and shall represent diverse geographic areas of the country.

(b) Members of the National Board shall be appointed for terms of three years, except that the terms of office of the members first taking office shall expire, as designated by the President at the time of appointment, five at the end of one year, five at the end of two years, and five at the end of three years. No member shall serve for more than two consecutive terms. Any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of that term. The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman. The Vice Chairman, during the absence or disability of the Chairman, shall act for, and exercise the powers of, the Chairman. The Vice Chairman shall perform such duties as the Chairman may prescribe from time to time.

(c) Members of the National Board shall be compensated at the rate prescribed for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code.

STAFF OF NATIONAL BOARD

SEC. 362. Subject to such rules and regulations as it may adopt, the National Board shall be authorized to—

(1) appoint and fix the compensation of an Executive Director and such additional staff personnel as the Chairman deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classifications and General Schedule pay rates, but at rates not in excess of the maximum rate for grade GS-18 of the General Schedule under section 5332 of such title;

(2) appoint and affix the compensation of a Superintendent of Indian Education, without regard to the provisions of title 5, United States Code, governing appointments in competitive service, who shall be compensated at the rate prescribed for grade GS-18 of the General Schedule under section 5332 of such title and who have such duties as the National Board shall prescribe; and

(3) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

POWERS AND DUTIES OF NATIONAL BOARD

SEC. 363. The National Board is authorized and directed—

(1) to carry out the functions transferred to the National Board pursuant to section 464 of this title;

(2) to establish and support local school districts comprising Federal Indian schools over which it has jurisdiction and control;

(3) to establish and support local school boards, who shall be selected at the local level in accordance with regulations promulgated by the National Board, having administrative control and direction over Federal Indian schools located within districts established pursuant to clause (2) of this section;

(4) to advise the Commissioner of Education with respect to the administration of any program in which Indian children participate, including title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as added by this Act, and section 810, title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act; and

(5) to submit to the Congress not later than March 31 each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of federal programs in which Indian children participate.

FUNCTIONS OF NATIONAL BOARD

SEC. 364. (a)(1) There are hereby vested in the National Board all functions which were carried out immediately before the effective date of this Act by the head of any agency in the executive branch of the Government, except the Department of Health, Education, and Welfare and the Office of Economic Opportunity, relating to the education of Indians in any elementary, secondary, or vocational school or any institution of higher education, including all such functions being administered through any agency, service, bureau, office, or other entity of any such agency.

(2) All functions of any agency of the United States, except the Office of Education and the Office of Economic Opportunity, relating to the education of Indians in any elementary, secondary, or vocational school, or any institution of higher learning are hereby transferred to, and vested in, the National Board.

(3) All orders, determinations, rules, regulations, permits, contracts, grants, certification, licenses, and privileges—

(A) which have been issued, made, granted or allowed to become effective in the exercise of functions transferred by this section; and

(B) which are in effect at the time this section takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the National Board, by any court of competent jurisdiction, or by operation of law.

(4) All personnel, assets, liabilities, contracts, property, and records as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with the functions transferred under this section are transferred to the National Board. Personnel engaged in functions transferred under this section shall be transferred in accordance with applicable laws and regulations relating to transfer of functions.

(5) As used in this section, the term "functions" includes powers and duties.

(b) The National Board is directed—

(1) to conduct, in concert with a team of professional consultants competent in areas of personality development and mental health, a detailed investigation of the off-reservation boarding schools to determine which ones should be converted into therapeutic treatment centers, and to cooperate with the Public Health Service to the extent necessary to bring about such conversion;

(2) to examine the present distribution and location of Federal boarding schools and the pattern of student placement with the view to developing and implementing a new rationale and plan with regard to such schools; and

(3) to submit to the Congress on or before January 1, 1972, a report on its activities under this subsection.

BUREAU OF INDIAN EDUCATION

SEC. 365. (a) There is hereby established, in the Office of Education, a bureau to be known as the "Bureau of Indian Education" which under the direction of the Commissioner shall have the responsibility for administering the provisions of title III of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as added by this Act, section 810 of title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act, and section 314 of title III of the Elementary and Secondary Education Amendments of 1966, as added by this Act. The Bureau shall be headed by a Deputy Commissioner of Indian Education, who shall be appointed by the President of the United States from a list of nominees submitted to him by the National Board of Indian Education.

(b) The Deputy Commissioner of Indian Education shall be compensated at the rate prescribed for grade 17 of the General Schedule of the Classification Act of 1949 and shall perform such duties as are delegated or assigned to him by the Commissioner.

PART E—MISCELLANEOUS PROVISIONS

AMENDMENT TO TITLE V OF HIGHER EDUCATION ACT OF 1965

SEC. 381. (a) Section 503(a) of the Higher Education Act of 1965 is amended (1) by inserting after "and higher education," the following: "including the need to provide such programs and education to Indians," and (2) by inserting after "the Department of Labor," the following: "the National Board of Indian Education,".

(b) Section 506(a)(1) of such Act is amended by inserting after "secondary schools" the following: "(including such schools operated by the National Board of Indian Education or by an agency of an Indian tribe)".

(c) Section 505 of such Act is amended by inserting after "shall consult with" the following: "the Chairman of the National Board of Indian Education,".

(d) Subsections (a) and (d) of section 553 of such Act of 1965 are each amended by inserting after "in all the States" a comma and the following: "including such needs in schools operated by the National Board of Indian Education, or by an agency of an Indian tribe."

(e) Section 553(a) of such Act is amended by inserting at the end thereof the following: "The Commissioner may also enter into arrangements with the National Board of Indian Education, or with an agency of an Indian tribe, and use funds appropriated for the purpose of this section, for carrying out the purpose of this section with respect to schools operated by the National Board of Indian Education, or by an agency of an Indian tribe or tribes.".

AMENDMENT TO TITLE III OF HIGHER EDUCATION ACT OF 1965

SEC. 382. Section 303(d)(c) of the Higher Education Act of 1965 is amended by inserting before the semicolon at the end thereof a comma and the following: "except that the Commissioner may waive the five-year requirement of this clause with respect to an institution located on or near an Indian reservation in any case in which he determines that such action will increase the availability of higher education to Indians".

INSTITUTE OF AMERICAN INDIAN ARTS

SEC. 383. The National Board of Indian Education is directed and authorized to raise the Institute of American Indian Arts at Santa Fe, New Mexico to the level of a 4-year college.

COMMUNITY COLLEGES

SEC. 384. (a) The National Board of Indian Education is directed and authorized to provide continuing support for the community colleges in which a substantial number of Indian students are enrolled.

(b) The National Board is directed to conduct a study exploring the feasibility of Indian community colleges, to work toward the establishment of such Indian-controlled institutions, and to submit a report respecting such study to the Congress on or before July 1, 1972.

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AMENDMENT TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Sec. 305. Section 706(a) of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"(a) For the purpose of carrying out programs pursuant to this title for individuals on or from reservations serviced by elementary and secondary schools operated on or near such reservations for Indian children, a nonprofit institution or organization of the Indian tribe concerned which operates any such school and which is approved by the Commissioner for the purpose of this section, may be considered to be a local educational agency, as such term is used in this title".

On page 3, above line 1, add the following at the end of the table of contents:

"TITLE V—INDIAN EDUCATION

"PART A—REVISION OF IMPACTED AREAS PROGRAMS AS IT RELATES TO INDIAN CHILDREN

"Sec. 501. Revision amendment of Public Law 874 provisions relating to Indians.

"PART B—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

"Sec. 521. Addition of Indian education program part to title III, ESEA.

"PART C—SPECIAL PROGRAMS RELATING TO ADULT EDUCATION FOR AMERICAN INDIANS

"Sec. 541. Addition of Indian program part to Adult Education Act.

"PART D—NATIONAL BOARD OF INDIAN EDUCATION; BUREAU OF INDIAN EDUCATION; MISCELLANEOUS

"Sec. 561. National Board of Indian Education.

"Sec. 562. Staff of National Board.

"Sec. 563. Powers and duties of National Board.

"Sec. 564. Functions of National Board.

"Sec. 565. Bureau of Indian Education.

"PART E—MISCELLANEOUS PROVISIONS

"Sec. 581. Inclusion of Indians in Higher Education Act.

"Sec. 582. Waiver of 5 year requirement of Higher Education Act of Indian schools.

"Sec. 583. Elevation of Institute of American Indian Arts.

"Sec. 584. Support and study of Indian community colleges.

"Sec. 585. Expansion of Indian eligibility under section 704(a), Elementary and Secondary Education Act."

SECTION-BY-SECTION ANALYSIS OF THE INDIAN EDUCATION AMENDMENTS TO S. 694

PART A—REVISION OF IMPACTED AREAS PROGRAM AS IT RELATES TO INDIAN CHILDREN

Section 501—Amends P.L. 874 by redesignating Title III as Title IV and adding the following new Title III:

TITLE III—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR THE EDUCATION OF INDIAN CHILDREN

Section 301—This title may be cited as the Indian Elementary and Secondary School Assistance Act."

Section 302—Declares it to be the policy of the United States to provide financial assistance to local educational agencies to develop and carry out elementary and secondary school programs to meet the special educational needs of Indian students in the United States.

Directs the Commissioner of Education to carry out this policy through a program of grants to eligible local educational agency applicants beginning July 1, 1972 and ending June 30, 1977.

Grants to local educational agencies

Section 303—To compute a local educational agency's yearly entitlement the Commissioner is to determine the number of Indian children enrolled for whom free public education is provided in the agency's schools in that fiscal year. An agency is not entitled to a grant unless there are at least ten such children.

The amount of the entitlement shall be equal to the agency's average per pupil expenditure multiplied by the number of Indian children enrolled.

The agency's average per pupil expenditure for any fiscal year is computed as follows: the total current expenditures of all agencies in the State two fiscal years ago, plus any direct current State expenditures for agency operation, divided by the total number of children in average daily enrollment who received free public education from such agencies two fiscal years ago.

In addition to sums appropriated for local educational agencies, an amount not in excess of one percent of the amount so appropriated is authorized for assistance to schools on or near reservations which are not or have not been local educational agencies for more than three years.

Uses of Federal funds

Section 304—Grants may be used for planning, including pilot projects to test the effectiveness of plans developed, and the establishment, maintenance and operation of specially designed programs, including minor remodeling and acquisition of specially designed equipment, to meet the special educational needs of Indian children.

Applications for grants; conditions for approval

Section 305—Grants may be made only to applying local educational agencies. Applications shall:

Provide that the activities for which assistance is sought will be administered or supervised by the applicant;

Set forth a program for meeting the special educational needs of Indian children, including proper and efficient methods of program administration.

In the case of planning applications, provide that planning is directly related to projects to be carried out under this title, and that such funds are needed either because of the innovative nature of the program or because the agency lacks the necessary resources for adequate program planning.

Provide that effective annual evaluation procedures, including objective measurement of educational achievement will be adopted.

Assure that Federal funds will supplement, and in no case supplant, the funds that the applicant would make available for the education of Indian children in the absence of Federal funds.

Provide for the necessary fiscal control and accounting procedures; for making an annual report and other reports required by the Commissioner to determine the effectiveness of these funds in improving Indian educational opportunities; and for keeping accessible records verifying these reports.

Applications which meet the above requirements must also

Provide for the utilization of the best available talent and resources (including persons from the Indian community) and substantially increase Indian educational opportunity.

Have been developed (1) in open, informative consultation, including public hearings, with parents, teachers, and, if applicable, secondary school students, who shall have an opportunity to offer recommendations, and (2) with the participation and approval of a committee (half of which shall be parents and half persons of minority groups) composed of parents of children served, teachers, and, if applicable, secondary school students.

Set forth policies and procedures to insure the continuing participation of parents and representatives of the area, and the committee approving the program, in the program's operation, and

Be submitted to the appropriate State educational agency for its comments and recommendations.

Amendments of application shall also be subject to these provisions, except as otherwise provided by the Commissioner.

Payments

Section 306—Directs the Commissioner to pay to each approved applicant an amount equal to its expenditures for activities under this title, but no payments shall be made if the State has taken these payments into consideration in determining the agency's eligibility for State aid. Nor shall payments be made if the combined State and local educational agencies' fiscal effort is less than that of two fiscal years ago.

Adjustments where necessitated by appropriations

Section 307—If insufficient funds are appropriated to pay the local educational agencies' full entitlement, the entitlements of all such agencies shall be ratably reduced. If additional amounts become available, entitlements shall be increased in the same manner.

If entitlements have been reduced and additional funds are not available, local educational agencies shall report their estimated expenditures to the Commissioner by certain dates. Any unused funds shall then be available for reallocation to agencies which need additional funds, but no agency shall receive an amount which exceeds its entitlement.

Section 308—In this title 'Indian' means any enrolled member of a tribe, band or other organized group of Indians, or his descendant, or anyone considered by the Secretary of Interior to be an Indian.

Sec. 103(a)(1) of the Elementary and Secondary Education Act is amended by deleting references to Indian children and allotments to the Department of the Interior in subparagraph (A) and striking out subparagraph (B), referring to Department of Interior payments to local educational agencies with out-of-State Indian children.

Sec. 303(1) of P.L. 874 is amended by removing Indian property from the definition of Federal property.

PART B—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

Section 321—Amends Title VIII of the Elementary and Secondary Education Act of 1965 by adding the following new section:

Improvement of educational opportunities for American Indian children

Section 810—Directs the Commissioner to carry out a program to improve Indian education by:

Making grants to State and local educational agencies and other public and private organizations (including federally supported elementary and secondary Indian schools) for planning, pilot, and demonstration projects including (1) innovative programs for the educationally deprived, (2) bilingual and bicultural education, (3) activities to meet the special health, nutrition, social and psychological problems of Indian children, and (4) coordination with other related Federal programs;

Making grants to State and local educational agencies and the National Board of Indian Education to assist and stimulate programs to provide educational services not available in sufficient quality or quantity for Indian children (including compensatory instruction and other services to encourage them to enter, remain in, or reenter school; comprehensive academic and vocational instruction; instructional materials and equipment; guidance, counseling and testing; programs for handicapped and preschool children; bilingual and bicultural education

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and other services), and to establish and operate exemplary and innovative programs and centers to enrich Indian education;

Making grants to institutions of higher education, and to State and local educational agencies in combination with such institutions, to prepare or improve the qualifications of educational personnel and social workers serving Indian children. Preference shall be given to the training of Indians. Grants may be used for fellowships, institutes, and for other purposes which are part of a continuing program;

Making grants to and contracts with other public and private nonprofit organizations for disseminating information on Indian education and evaluating the effectiveness of federally assisted programs.

Grant applications shall describe the activities planned. Program grant applications will provide for the use of available funds and the coordination of other resources to insure a comprehensive program, the training of participating personnel, and evaluation.

Parent and tribal community participation in project planning, development, and evaluation is required for approval.

For grants under this section, $30,000,000 is authorized for fiscal 1972 and $35,000,000 for each of the four succeeding fiscal years.

Effective June 30, 1972, amends Titles II and III of the Elementary and Secondary Education Act (relating to school library resources and supplementary educational centers and services) and the Education of the Handicapped Act to eliminate allotments to the Department of the Interior for Indian children in the Department's schools.

PART C—SPECIAL PROGRAMS RELATING TO ADULT EDUCATION FOR AMERICAN INDIANS

Section 341—Amends Title III (the Adult Education Act) of the Elementary and Secondary Education Amendments of 1966 by redesignating sections 314 and 315 as sections 315 and 316 and adding the following new section

IMPROVEMENT OF EDUCATION OPPORTUNITIES FOR ADULT AMERICAN INDIANS

Section 314—Authorizes the Commissioner of Education to—

Make grants to State and local educational agencies and other public and private organizations to support planning, pilot, and demonstration projects to test the effectiveness of programs to improve employment and educational opportunities for American Indian adults, including bilingual and bicultural programs and programs to coordinate the operation of related federally assisted programs;

Assist in the establishment and operation of programs to stimulate opportunities for adult Indians to acquire basic literacy skills and qualify for a high school equivalency certificate, support a major research and development effort to find better ways of meeting these goals and determine the extent of illiteracy and lack of high school completion on Indian reservations;

Make grants to and contracts with public and nonprofit private organizations to disseminate information on Indian adult educational programs and to evaluate the effectiveness of such federally assisted programs.

Grant applications shall describe the activities to be funded, provide for program evaluation and shall not be approved unless the Commissioner is satisfied that there has been and will be participation by tribal communities and the individuals to be served in the planning, operation and evaluation of the project. Applications from non-Indian educational groups shall not be approved until all appropriate applications from Indian groups have been approved. $5,000,000 is authorized for fiscal 1972 and $6,000,000 for each of the four succeeding fiscal years.

PART D—NATIONAL BOARD OF INDIAN EDUCATION; BUREAU OF INDIAN EDUCATION; MISCELLANEOUS

National Board of Indian Education

Section 361—Establishes a fifteen-member National Board of Indian education, appointed by the President, with the advice and consent of the Senate, from nominees furnished by Indian tribes and organizations, representing diverse geographic areas.

Members shall be appointed for three years, but the terms of the first appointees shall expire as follows: five at the end of one year, five at the end of two years, and five at the end of three years. No member shall serve more than two consecutive terms. Vacancies filled prior to the expiration of a term shall be filled for the term's remainder. The President shall designate one member as Chairman and another as Vice Chairman. Members shall be compensated at the rate prescribed for grade GS-18.

Staff of national board

Section 362—Authorizes the National Board to appoint and fix the compensation of an Executive Director, a Superintendent of Indian Education, and additional staff without regard to provisions of the United States Code governing appointments in the competitive service, classifications and General Schedule pay rates, but rates must not exceed the maximum rate for a GS-18. The Chairman may also procure temporary and intermittent services at rates not to exceed $100 a day per person.

Powers and duties of national board

Section 363—Vests the National Board with those powers and duties carrying out the former functions of all other executive agencies (except the Office of Education and the Office of Economic Opportunity) relating to Indian education, establishing local school districts of Federal Indian schools, establishing as its discretion, and supporting local school boards selected at the local level in accord with National Board regulations having administrative control over Federal Indian schools in such districts, advising the Commissioner on the administration of any program in which Indian children participate, including Title III of P.L. 874 and Title VII of the Elementary and Secondary Education Act, as added by this Act, and submitting to the Congress annually a report on its activities which includes recommendations on Federal programming involving Indian children.

Functions of National Board

Section 364—Vests in the National Board all functions which were formerly carried out by other executive agencies (except the Department of Health, Education and Welfare and the Office of Economic Opportunity) relating to Indian education at all levels.

Transfers all those functions (except for those of the Office of Education and the Office of Economic Opportunity, to the National Board.

All outstanding orders, rules, contracts and the like shall continue until changed by the National Board, the courts, or the operation of the law.

All personnel, property, records and the like which are primarily concerned with the functions transferred shall also be transferred to the National Board.

Directs the National Board to: investigate off-reservation boarding schools to determine which should be converted to therapeutic treatment centers and to cooperate with the Public Health Service in their conversion; examine distribution, location and student placement in Federal boarding schools with a view to change; and report to the Congress on these studies by January 1, 1973.

Bureau of Indian Education

Section 365—Establishes a Bureau of Indian Education in the Office of Education, with responsibility for administering the provisions added by this Act to P.L. 874 and the Elementary and Secondary Education Act. The Bureau shall be headed by a Deputy Commissioner of Education to be appointed by the President from nominees submitted by the National Board. The Deputy Commissioner of Education shall be compensated at the rate of a GS-17 and shall perform such duties as are assigned to him by the Commissioner.

PART E—MISCELLANEOUS PROVISIONS

Section 381—Amends the following sections of Title V (the Education Professions Development Act) of the Higher Education Act of 1965:

Section 502, relating to the appraisal of education personnel needs is amended to include a consideration of the educational needs of Indians;

Section 504, designed to attract qualified persons to the field of education, is amended to include Indian children in Department of Interior and other Indian schools in efforts to identify and encourage capable youth in secondary schools who may wish to pursue a career in education;

Section 505, which provides for consultation by the Commissioner of Education with other agencies to promote coordinated planning of educational personnel training programs, is amended to include the Secretary of the Interior.

Section 507, relating to leadership development awards for vocational educational personnel, is amended to include a consideration of the needs of Indian children in Department of Interior and other Indian schools, for qualified vocational education personnel.

Section 513 is amended to authorize the participation of Department of Interior and other Indian schools in exchange programs, institutes and in-service education for vocational education personnel.

Section 522—Amends Title III of the Higher Education Act—Strengthening Developing Institutions—to authorize the Commissioner of Education to waive certain requirements (relating to admissions policy, educational programs, and accreditation during the five years preceding the year for which assistance is sought) in institutions on or near Indian reservations if this action will increase the availability of higher education for Indians.

National Board of Indian Education

Section 523—Directs the National Board to raise the Institute of American Indian Arts at Santa Fe, New Mexico, to the level of a 4-year college.

Section 524—Directs the National Board to provide support for community colleges in which a substantial number of Indians are enrolled, to conduct a feasibility study of Indian community colleges and work toward their establishment, and to report to the Congress on these matters on or before July 1, 1973.

Section 525—Amends section 708(a) of the Elementary and Secondary Education Act of 1965 to include individuals and organizations from and near, as well as on, reservations.

Mr. KENNEDY. Mr. President, the distinguished Senator from Minnesota (Mr. MONDALE) joins me in introducing this proposal. He was a member of the Subcommittee on Indian Education, which previously had as its chairman Senator Robert Kennedy and which later I chaired. I believe he has contributed more to the work in the field of Indian education than any other member of this body.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

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Mr. MONDALE. Mr. President, I wish to congratulate the distinguished Senator from Massachusetts for his remarkable contribution to this effort to reform Indian education in America.

Under the leadership of his brother, Robert Kennedy, and then under his leadership, the Senate Special Subcommittee on Indian Education addressed itself more carefully, more fully, and more broadly to Indian education problems in this country than I think either branch of Congress had done before.

The result of the work of the Subcommittee on Indian Education consumes thousands and thousands of pages of testimony. We heard from almost every Indian leader in the country. We traveled thousands and thousands of miles throughout the country from the Navajo reservation to the Aleuts and Eskimos of Alaska. No study has gone as far as this one, and no committee has tried to hear from so many of the Indians themselves as this one did. The leadership of the distinguished Senator from Massachusetts has been instrumental in focusing public sentiment, to the point that today we are able to introduce this broad and sweeping measure, to do something about a national disgrace.

I am sure the Senator from Massachusetts recalls our tour through Alaska; we visited a BIA school in the frozen tundra and found a white teacher, who could not speak Eskimo, teaching Eskimos who could not speak English, from a "Dick and Jane" textbook which showed green grass and white houses containing nothing with which the children could identify, let alone understand.

I am sure the Senator from Massachusetts recalls seeing children who had been shipped thousands and thousands of miles to boarding schools, to be away from their parents for 8 or 9 months a year because the BIA had a policy that would not add desks in one area if there were empty desks somewhere else in the Nation.

We recall the testimony about eliminating the boarding schools. The renowned Dr. Menninger said it was worse than anything he had seen.

As the Senator pointed out, the dropout level, the failure to perform at grade level, the truancy level, the unemployment level, the problems in mental illness, alcoholism, and suicide have all resulted, as the Senator's late brother said in making America's first Americans the last Americans.

There are other elements, but we must begin with an education that entails, first of all, respect for different languages and cultures, and accepts them for the value they still have for Indian children.

I do not think there is any chapter in our history that is more sordid than our treatment of the American Indian. This legislation is an important and meaningful step to do something about that situation. I am pleased to join the Senator from Massachusetts in introducing the Indian Education Act today.

America's Indian children—the heirs of a unique and majestic tradition—have inherited an aching legacy of neglect and discrimination.

Fifty percent dropout rates.

Twelve thousand children not in school, most of them physically or mentally handicapped.

Indian children being disciplined with handcuffs.

Psychiatric reports that Indian children have the lowest levels of self-respect and the highest anxiety of any group in our country.

Perhaps the worst indictment of all is that much of this has been the failure of the Federal Government. By a blatant cultural colonialism, we presumed we knew best. Of the many examples, one is especially stark.

The Choctaw and the Cherokee nations ran their own school systems from about 1800 until after the Civil War—when the Government took their authority away and put them on the reservations. In the days when they were running their own schools, the Choctaws and the Cherokees were more literate in their own language than the average American citizen was in English, and they were more literate in English than the average citizen in frontier States.

Today, 60 percent of adult Cherokees are functionally illiterate in English; only 38 percent have completed the eighth grade.

The average educational level is 5 school years for all Indians under Federal supervision.

But this system not only stifled young lives; it also twisted historical truth as surely as any totalitarian censor.

Indian children learned that their ancestors were savages, and that the white men who killed them were heroes. When Indians attacked a settlement, in what they saw as defense of their land, it was a "massacre." When the U.S. Cavalry rode down a village of women and children, it was a "victory."

We have come a long way since Lewis and Clark and other explorers marveled at the unique culture and bold self-reliance of America's Indians.

And it has nearly all been down.

The subcommittee report told the story in its title—"Indian Education: National tragedy, A National Challenge."

All of us have a share in the 400 years of tragedy borne by the Indian people. All of us have a responsibility to put a stop to the mutilation of the minds and spirits of Indian children.

There can be no reason for any more delay.

As early as 1928 we had a comprehensive report which described the disgrace in Indian education. The Congress and the President had a blueprint for reform then, over 40 years ago. Now the subcommittee has compiled over 4,000 pages of testimony, most of it from the Indian people themselves, in exhaustive hearings and field investigations throughout the country.

The present bill, first introduced 5 months ago, is based on the recommendations developed by the subcommittee from that testimony. Though there was not time for full consideration of the bill in the hectic closing months of the last Congress, Senators have had opportunity to consider its implications in the context of other measures affecting Indians.

Now we must act.

The subcommittee's final report listed 60 recommendations which would radically improve Indian education. A number of these recommendations have been implemented.

For example, bilingual education efforts have been expanded considerably. The National Council on Indian Opportunity was funded. The Department of Health, Education, and Welfare and the Department of the Interior have begun devising a plan to better coordinate their Indian education activities. Public Law 81-815 was amended so that public schools educating Indians will have higher priority in funding than they have in the past.

And bills have been introduced to legislate a number of other proposals, including recommendations to hold a White House Conference on Indian Affairs, and to raise the BIA Commissioner to Assistant Secretary of the Interior status.

The actions of the Senate in the last months of the 91st Congress show that we are starting to recognize the need to act on behalf of Indians, that the tide of political opinion is moving toward a proper redress of 400 years of exploitation. In the last Congress the Senate passed total Federal support for Indian welfare assistance, recognition of Taos Pueblo legal claim to sacred lands, and new support for Indian manpower programs.

The President has indicated his support for action now on behalf of Indians. He strongly supported the right of the Taos Pueblo to their sacred lands. His message to the Congress last session placed high priority on a number of the reforms we introduced in this bill, including administration by Indians and expanded urban programs. I look forward to his further assistance on behalf of Indians.

Yet all our progress will be fragile without a true commitment to excellence in the education of Indian children, without a recognition of the basic right of the Indian not only to equal educational opportunity, but to dignity and respect for his culture and heritage.

The bill we reintroduce today is unique in two respects. First, it is an expression of the wishes of many Indian people. I want to stress that during its 2½ years, the Indian Education Subcommittee traveled to all parts of the country to listen to the Indian people.

We held public hearings in Washington, D.C., California, Oklahoma, Arizona, South Dakota, Oregon, and Alaska, and conducted field investigations in Minnesota, Idaho, Maine, New York, and several other locations. We heard from Indians throughout the country. We have taken their suggestions and put them together into this bill we are introducing today.

This bill is also unique among Federal education legislation. It is not an attempt, for example, simply to provide some funds and set up some new administrative machinery to do more of what has been done in the past. It is an attempt rather to change the very nature

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of the cruelty and ...rain that has historically passed for Indian education.

The Indian does not want that kind of Indian education. He wants an education that will tell him the truth about his tribe, his heritage, his traditions, his place in the world—an education over which he will have some control. That is what this bill is going to guarantee to do.

This Indian Education Act amends Senate bill 659, the Education Amendments of 1971, as title V of that bill.

There is no need to go into a lengthy explanation of the different sections of this legislation. Basically, part A provides for payments to schools educating Indian children. It includes funds for urban as well as reservation Indians, and the money is to be used for programs designed to meet the special educational needs of Indian children.

Part B is a grant program for planning pilot and demonstration programs in a number of areas: bilingual, bicultural, health nutrition services, instructional materials, guidance and counseling services, and other such programs. Of special significance is the fact that grants can also be made for developing programs to prepare persons to teach Indian children, and to improve the qualifications of persons currently working with Indians in schools.

One of the major findings of the Indian Education Subcommittee was that teachers of Indians were not attuned to the traditions and culture of the Indian child. They were not, in effect, culturally sensitive. This title approaches this problem through specialized preservice and inservice programs for teachers of Indian children. The bill authorizes $25 million for grants under this title in fiscal 1972, and $35 million for each of the succeeding years.

Part C provides special programs for educating American Indian adults. This title also provides programs for planning, pilot, and demonstration projects designed to improve employment and educational opportunities for Indian adults. The bill authorizes $5 million for this effort for fiscal 1972, and $8 million for each of the 4 succeeding years.

Part D establishes a National Board of Indian Education and a Bureau of Indian Education within the Office of Education. It will be the function of the OE Bureau of Indian Education to administer the provisions of this legislation. That Bureau will be headed by a Deputy Commissioner of Education appointed by the President from nominees submitted by the National Board. I will discuss this National Board in more detail later.

Finally, part E makes funds available for the expansion and development of community colleges educating American Indians, and amends the Higher Education Act so as to encourage the development of Indian teachers.

There are two elements of this bill which I believe are of special significance and, for that reason, deserve elaboration. One is that funds in both the formula entitlement and grant programs will go toward the education of Indians in urban as well as Federal reservation schools. The other is that all programs and projects must be planned, operated, and evaluated by tribal communities and parents of the Indian children affected.

For years, the Bureau of Indian Affairs has refused to recognize the growing population of Indians in urban areas. It has maintained that it must concern itself almost exclusively with Indians living on or near reservations. As a result, Indian children living in urban areas have attended public schools which received no assistance from the BIA in providing for the special needs of educating Indian children.

Today there are almost as many Indians in the cities as on the reservations. In Minneapolis alone there are about 15,000 Indians. Many of the urban Indian students need special materials and special help if the 50-percent-plus Indian dropout rates so common in these cities is to be improved. We would provide per student payments to these school districts for programs aimed at meeting these special needs—as they are defined by the parents of the Indian children. The bill would also make available to these districts grants for funding special projects and programs to better meet the unique needs of Indians in our cities.

The second major feature of this comprehensive bill is that it puts Indian education into the hands of not Indian experts, but expert Indians. Local control has been the foundation of public education in this country from its inception, yet we continue to permit a Washington-based bureaucracy to control the education of thousands of Indian children. Every project authorized by this legislation is conditioned upon the approval of the parents of the Indian children affected. In the language of the bill:

The Commissioner shall not approve an application for a grant . . . unless he is satisfied that there has been participation by tribal communities and parents of the children to be served in the planning and development of the project, and that there will be such participation in the operation and evaluation of the project.

Besides giving Indians basic control over special programs and projects, the bill creates a National Board of Indian Education which is authorized to establish local school districts and locally selected school boards for Federal Indian schools. Since 1968 when President Johnson told the Bureau of Indian Affairs to establish Indian school boards, we have been waiting for the BIA to respond to the President's order. Since that date, only three Federal schools have been turned over to the local communities. At that rate, it will be the year 2044 before the Bureau's 223 schools are locally controlled.

In the meantime, Indian people must be content with advisory boards, which have to sit idly by and watch their children being taught by civil service appointees, many of whom are totally ignorant of Indian language, customs of traditions.

The National Board established by this bill is a 15-man board selected by the President from a list of nominees furnished him by Indian tribes and organizations. This Board would take over the education functions presently handled by the Bureau of Indian Affairs. It would appoint a superintendent for the Federal Indian schools. Among its responsibilities would be to investigate reservation boarding schools and determine which should be converted to therapeutic treatment centers and how the placement of students in boarding schools can be improved. This was a subcommittee recommendation. But most importantly, the Board would be charged with the responsibility of establishing local school boards—a responsibility which the BIA has failed to meet but which a board of Indian parents is sure to accept more seriously.

The Congress now holds in its hands the hopes of thousands of Indians—and the future of thousands of their children.

We cannot have an America where Indian students are punished for speaking their native languages.

We cannot have an America where Indian teenagers commit suicide to escape a life they dread.

And in a very real sense, Mr. President, this bill is more than a responsibility for the American Indian. It is a living tribute—and a debt we owe—to the late Robert Kennedy, whose compassion and courage and foresight ignited the conscience of the Nation on this issue. Robert Kennedy summoned us to national action on behalf of Indian children. The passage of this bill will be a fitting honor to his memory.

Mr. KENNEDY. I thank the Senator from Minnesota for his comments. He has indicated what we have attempted to do in the introduction of this legislation in which he played such an important and vital role—and that is to reflect the sentiments of the Indians themselves and to propose an educational program which is really their program.

As the Senator pointed out, time and time again throughout the history of the relationship of the white man to the Indian, and since the founding of our country, the white man always has done what he thought was in the best interests of the Indian rather than letting the Indians develop their own programs.

I feel that as a result of the work of our subcommittee, this legislation reflects the approach to Indian education desired by the Indian people themselves, whose children will be attending public schools and federally supported schools. The chairman of the Senate Education Subcommittee is present in the Chamber, and knowing of his interest in this very important problem and realizing his overall commitment in the field of education, I am hopeful that he will assure us that we will be able to have early hearings on this legislation. I know we will be able to bring to those hearings a thorough documentation of the problems involved in Indian education that had been accumulated over 2 years of extensive hearings held by the Special Indian Education Subcommittee.

I doubt that there has been any piece of legislation introduced in recent times where the underlying problems have been so thoroughly studied as this measure that we are introducing today. It has broad support in terms of member-

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ship on both sides of the aisle. It has broad support in terms of geographical representation from different parts of our country. I think it is a reasonable reflection of the desire of Congress to provide a solution to a pressing problem. So I welcome the fact that the chairman of the education subcommittee is on his feet. I would welcome any remarks he might have at this time.

Mr. PELL. I thank the Senator. As one with an especial interest in the Indians, as well as a general interest in education, I would congratulate the Senator from Massachusetts and the Senator from Minnesota for their work in this field.

I know the Senator from Massachusetts has a deep sense of commitment in this regard. I realize he does this in a very altruistic sense because the number of Indians in his Commonwealth is in the same proportion that we have in our State of Rhode Island, but his interest in the lot of the oppressed is real, no matter where they are.

I think those of us who live in the country today tend to accept the fact that we are God's chosen people, who have come to this country and brought Christianity and education to it, and we forget there were some of God's chosen people who were here originally, whose interests we have always run roughshod over.

When we talk about the sanctity of international agreements, sometimes critically of other nations in this regard, I think our own record with regard to God's chosen people who were here prior to us bears examination. I shall look forward to our soon holding hearings on this legislation.

Mr. KENNEDY. As the Senator knows, this would be an amendment to his higher education proposal, so I would hope that we might be able to have some hearings and get the appropriate responses from the administration as well as from Indian tribes, groups, and interested educators. I know the Senator has planned an extensive set of education hearings, but I would hope that we might be able to find some time during the course of those hearings to devote some attention to this proposal, so that we might be able to move ahead on it.

Mr. PELL. As the Senator knows, I would like to be of help in this matter in any way that I can, and look forward to working closely with him in scheduling hearings. I shall do everything I can to help.

Mr. KENNEDY. As we continue on our health hearings and the consideration of the Pell health insurance bill.

Mr. PELL. We will exchange hearings at the earliest opportunity.

Mr. MONDALE. Mr. President, I think the distinguished chairman of the Education Subcommittee is encouraging. Perhaps he could attach it to the desegregation bill.

While at this time this measure is not the product of an endorsement by the National Congress of American Indians or the newly created National Indian Education Association, currently under the leadership of Dr. Will Antell of Minnesota, and of distinguished Indian educators such as Dillon Platero, it is the product of deep consultation with those Indian leaders.

I think the Senator should know that, as far as Indian organizations are concerned, it is very close to what I believe most of them want. I think it would be most unfortunate to pass a bill they did not want at this point. I think one of the most important things we accomplished on the now expired Indian Education Subcommittee was to get a broad consensus from the Indian community. I do not think it was even tried before. I think we are close to it. That ought to pave the way for prompt adoption.

I see the Senator from South Carolina (Mr. HOLLINGS) here. He has been one of the leaders in the Senate and the country in dealing with the tremendous problem of hunger, because we learned it is a real national problem. But, in a real sense, the cultural insult and injury to the spirit of the average American Indian inflicted by the American educational system visits damage just as much as hunger does. It is hard to define, but it destroys and shrivels a child just as much as denying him decent nutrition.

I think we want to work in these areas just as quickly as we can, because the Indian community has just about given up on the establishment. We have studied them so much that we have worn out the grass on the reservations looking at them. Last year, at Pine Point Reservation, there were 44 federally funded studies; I think there were two studies for every Indian on the reservation. We have studied them and studied them until they are sick of it, and I do not blame them. They would like to see something happen. It is very important that we move promptly and efficiently, this year, if possible.

Mr. KENNEDY. Mr. President, let me reemphasize, finally the strong and special Federal responsibility in this particular field. We can talk about action on the other problems we face in our Nation, and we have many problems. We obviously must consider the allocation of our resources relating to the needs of the National, States, and local governments. But the responsibility in terms of Indian education lies most fundamentally with the Federal Government—by agreement, by treaty, by Executive orders, by statute. Yet it has been an area in which this great country, as the distinguished Senator from Minnesota has pointed out, has failed miserably. This legislation is an attempt to reconcile our responsibility in this area, as well as, perhaps what is even more important, an attempt to provide fairly and justly to people who are greatly disadvantaged.

It is because of the action or inaction by the Federal Government that this legislation which we have introduced is of such significant importance and urgency.

I am heartened by the response given by the chairman of the Education Subcommittee, and, as I have mentioned, by the broad scope of support for the legislation we are introducing today.

I am hopeful that this year will be the year of progress and reform in Indian education.

Mr. HOLLINGS. Mr. President, I commend my distinguished colleague from Massachusetts and also the Senator from Minnesota on their move now to solve the Indian education problem. As we have alluded to other problems in this land, including health problems, they are not Government-created. Hunger problems are not Government-created. Housing problems are not Government-created. But without question, the Indian problem, including the Indian education problem, is a creation of this Government, and it is nothing less than a national disgrace that we have not removed this blot upon the conscience of our land.

I think that the Senator from Massachusetts is providing leadership, and I hope, in turn, that we in the Senate can follow that leadership and solve this problem.

THE CHALLENGE OF INDIAN EDUCATION

Mr. CRANSTON. Mr. President, I am extremely pleased to be a cosponsor of the Indian Education Act of 1971, a bill recently introduced by my distinguished colleague from Massachusetts, Senator KENNEDY. This legislation is long overdue and critically necessary if we are to correct the miserable state of Indian education in America.

It is not a record to be proud of. Indeed, perusing the statistics which measure the extent of the failure of our Federal Indian educational policy is an invitation to despair. For a nation which prides itself on such virtues as equality of opportunity, democracy, and justice, it is difficult to explain the suffering perpetrated on Indian students in the name of education. After a thorough and objective investigation of American Indian education, the Subcommittee on Indian Education termed it a national tragedy.

By almost any statistical measurement, Indian students are clustered at the bottom of our educational ladder. The average grade level for all Indians under Federal supervision is 5 school years. Dropout rates for Indians are twice the national average. Only 18 percent of the students in Federal Indian schools go on to college; the national average is 50 percent. Only 3 percent of the Indian students who enroll in college graduate; the national average is 32 percent. Only one of every 100 Indian college graduates will receive a master's degree.

The suffering, unfortunately, does not end here. It has been well established that the level of educational achievement is directly and intimately related to other social indices. As a result of his poor education, the Indian goes on to suffer from problems in unemployment, poor health, low annual income, miserable housing conditions, short average life expectancy and high rates of infant mortality. Our national tragedy is simply that the First Americans have become the Forgotten Americans.

What are the reasons behind this tragedy? Why do Indians suffer disproportionately from the social and physical ills which beset the poor in America? The answer, of course, lies buried in 400 years of Indian-white relations. It lies in the fact that the policy of the U.S. Government toward its Indian wards has fluctuated between two unfortunate ex-

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tremes between a [illegible] benevolent paternalism and a conscious and deliberate intent to destroy the Indian languages, cultures, life-styles, and sometimes, even the Indians themselves. An examination of our educational policies is particularly revealing of these attitudes and has been summed up by the Subcommittee on Indian Education as a policy of "coercive assimilation." The subcommittee concluded that this unfortunate policy has had the following disastrous effects on the education of Indian children:

The classroom has become a kind of battleground where the Indian child attempts to protect his integrity and identity as an individual by defeating the purposes of the school.

Schools have failed to understand or adapt to, and in fact have often denigrated, cultural differences.

Schools have failed to recognize the importance and validity of the Indian community, and the community and child have reacted by treating the school as an alien institution.

It has resulted in a dismal record of absenteeism, dropouts, negative self-images, low achievement, and, ultimately, academic failure for many Indian children.

Finally, and most pernicious, is the fact that this policy has served to perpetuate the cycle of poverty which undermines the effectiveness of all other Federal programs.

The Indians native to California have perhaps been the most abused of any in the Nation. Denied an adequate land base in 1852 when the Senate refused to ratify 18 separate treaties, and nearly exterminated between 1850 and 1880 by white settlers seeking their fortunes in gold, California's Indians have remained for the most part in rural and social isolation. Less than 15 percent of California's native Indian population lives on Federal trust lands. This lack of an adequate land base is not only an economic disaster, but has affected the eligibility of most California Indians for participation in Federal educational programs. It has also served as justification for the termination of other Federal services.

California has one of the largest Indian populations in the Nation. Estimates vary, and the high mobility and lack of tribal identity which characterizes many California Indians makes estimation difficult. The 1970 census should yield a significant Indian population in California. The composition and character of this Indian population differs from that of other States, however, because of the unusually large proportion of out-of-State reservation Indians who have relocated in four major urban centers of California: Los Angeles, San Francisco, San Jose, and Oakland. Over 100 different tribal groups are represented in California's urban Indian population. It has been estimated that there are now over 50,000 Indians living in Los Angeles alone.

The Federal Government owes the Indian a special responsibility. It is a responsibility established in scores of treaties, agreements and statutes. It has been underscored by years of broken promises. As conscientious members of the U.S. Senate, we can no longer ignore this responsibility to the American Indian. We must develop and implement an enlightened policy for the education of the American Indian.

The Indian Education Act of 1971, which I am proud to cosponsor, declares it to be the policy of the United States that, recognizing the special Indian education needs, the Government shall "provide financial assistance to local educational agencies to develop and carry out elementary and secondary school programs especially designed to meet these special educational needs." To implement this policy, the bill provides for the following major provisions:

First. It amends Public Law 874 (impact aid) and title I of the Elementary and Secondary Education Act of 1965 to provide additional Federal funds to local school districts to meet the special educational needs of Indian students. It provides for Indian involvement in the funding process at the local level.

Second. It provides funds for pilot and demonstration projects for the improvement of Indian educational opportunity.

Third. It amends the Adult Education Act to provide special educational programs for Indian adult education.

Fouth. It establishes a Bureau of Indian Education in the Office of Education and a Deputy Commissioner of Indian Education.

Fifth. Finally, it establishes a National Board of Indian Education as an independent agency which will have policy and program control over Federal Indian schools.

Mr. President, I submit that we can no longer ignore the educational needs of the American Indian. We have the facts. We have the proposal. All we need to do is act. We need to write a new legislative chapter in the annals of Federal Indian policy—an enlightened and compassionate chapter. I am very proud to be a cosponsor of the Indian Education Act of 1971 and hope that it can mark a new beginning for a better life for the first Americans.

IMPROVING INDIAN EDUCATIONAL OPPORTUNITIES

Mr. TUNNEY. Mr. President, today I am sponsoring the Indian Education Act, an amendment designed to improve the quality of Indian education, to upgrade its priority within the Federal Government, and to attempt to insure that the special educational needs of Indian students are met.

First, the Indian Education Act would amend Public Law 874 and combine and expand assistance to public schools under that law, and also amend Title I of the Elementary and Secondary Education Act to assist local educational agencies in meeting the educational needs of Indian students.

However, the proposal should perhaps go even one step further by allowing a school on an Indian Reservation to utilize funds under this proposal even though it is not considered a local education agency. These funds would be used to supplement the minimal Federal appropriations now funneled through the Bureau of Indian Affairs.

Also, the enactment of the proposed Indian Education Act should not preclude continued and expanded educational aid under other programs. The Johnson-O'Malley program, for example, provides supplemental aid directly for the education of Indian children in those school districts. Funds are available under this program to help facilitate the education of Indian children within the school district.

The Secretary of the Interior is authorized to also permit local school authorities to use Federal buildings and equipment.

Unfortunately, the Johnson-O'Malley program was ended in California under the false hope that the State would care for Indian educational needs. This has not been done, and the program has been reinstated in California. However, California has not yet received sufficient funds to do much good. I intend to renew my efforts to provide sufficient Johnson-O'Malley funds in California.

It is also my hope that more Indians can be benefited by Indian assistance programs by the use of a more expansive definition of the term Indian. Too often Indians are disqualified by restrictive definitions. A more expansive definition of an Indian would be considered.

This would help to insure greater and more equitable Indian participation in Federal programs.

Second, the proposed Indian Education Act provides funds for public and private agencies and organizations for pilot and demonstration project designed to improve Indian educational opportunity and requires active participation by Indians in the preparation and development of a project application. This program would also include innovative educational programs, bilingual and bicultural educational programs, special health and nutrition services and Indian teacher improvement programs.

Third, the legislation would amend the Adult Education Act in order to provide opportunities under this program for adult Indians. Grants would be made available to public and private agencies and organizations as long as there was Indian participation in the planning and development of the applications.

Fourth, the bill would establish the office of Deputy Commissioner of Indian Education within the office of Education to coordinate and administer Indian education programs. This provision is designed to give Indian education programs much higher priority than they are presently receiving.

Fifth, the bill would create a National Board of Indian Education. This Board would be empowered to establish and support local school districts and school boards comprising Federal Indian schools.

However although the National Board would establish general guidelines for Indian education, local Indians and Indian communities would decide when local boards of education are to be created to take over Federal Indian schools.

A National Board of Indian Education would be created for the purpose of rec-

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commending or developing new Indian education programs and to serve Indian education in much the same manner as State boards of education serve State public education programs.

In keeping with the spirit of the act, I feel that, to the greatest extent possible, the National Board of Indian Education should be made up of and staffed by Indians.

The goal of improving the quality of Indian education is one which I strongly support. I believe that the Indian Education Act is an important first step toward the achievement of this goal. It is certainly clear that present programs have failed to make significant progress in improving Indian education or in fact in improving the lot of the Indians in any other area.

Indians continue to live in poverty and in dilapidated housing. Last year in California, for example, only $300,000 was available for Indian housing. However, it will require $30 million to provide adequate housing for California Indians. It is my hope that Congress will significantly increase funds for Indian housing.

The average Indian income is $1,500 while the unemployment rate among Indians is nearly 40 percent. The dropout rates among Indians are twice the national average and only 1 percent of Indian children have Indian teachers or principals.

These statistics are a depressing and tragic testimonial to present efforts by the Federal Government to fulfill its responsibility to the Indian. It is time for a drastic change in Federal policy toward the Indian. It is time for the revamping and full funding of current Federal Indian assistance programs. It is also time for the enactment of new Indian assistance programs that will keep pace with Indian needs, and effectively deal with the plight of the Indian.

The enactment of the proposed Indian Education Act can be a dramatic first step in this effort.

In addition, we must always keep in mind that structural changes are never enough and should never be a replacement for functional and substantive change in the fabric of our society, particularly in the attitude of society toward the needs of a minority.

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Mr. FRAZIER. Dr. McKinley was the executive director, and still is, of the National Indian Training and Research Center. The letter was from Senator Kennedy and addressed the issue of the Indian Education Act back in 1971. Attached to the letter, he had a copy of the Congressional Record, and I would like to read just one segment out of it that pertains specifically to the Indian Education Act on the proposed bill at that time.

Mr. Kennedy said that this bill is also unique among Federal education legislation. It is not an attempt, for example, simply to provide some funds and set up some new administrative machinery to do more of what has been done in the past. It is an attempt, rather, to change the very nature of the cruelty and the hardships that have historically passed for Indian education. The Indian does not want that kind of Indian education. He wants an education that will tell him the truth about his tribe, his heritage, his traditions, his place in the world and an education over which he will have some control. This is what this bill is going to enable him to do. If we are to believe the administration's argument that these things will transpire under chapter I or any other Federal program that is now in existence and administered by the Department of Education, then we also believe that babies are brought by the stork. It is not true.

This situation will not change with the replacement of the Indian education program with other educational responsibilities. If the school districts, particularly with the part A funds, do not have these moneys, rest assured that they will not deal with Indian education in any special way. They are not going to make that money available.

Second, the parental involvement in those school districts is not going to be there. As an individual, I was appointed to the National Advisory Council on Indian Education. For a 2-year period, that National Advisory Council on Indian Education conducted hearings throughout the country on Indian education, and particularly the Indian Education Act, whether it should be authorized, changes that should take place in it, how is it best administered, and what are the programs doing.

I am not a member of that National Advisory Council on Indian Education; I was thanked for my duties on November 2 last year by the President, so I think I can give you this set of hearing documents and not get into trouble because I am not, I do not think, responsible any more for some of my actions.

I think these documents—these are personal documents—have been conveyed in a very limited nature to Congress. It is my opinion that the Department of Education is trying to suppress this type of information from the eyes of people that are making determinations on the issues of Indian education.

So I would like to make a present to you of the complete set of transcripts of those hearings. I think that the individuals that testified at those hearings, and these are parents and students and teachers in the school districts throughout the country, can best give you the answers that you are looking for in your hearings.

Mr. KILDEE. They will be made part of our file. As you know, the entire National Advisory Council on Indian Education was sacked and there are only seven replacements appointed so far. Seven does

not constitute a quorum so they have, in effect, been wiped out until at least an eighth member is appointed so there could be a quorum.

I have still not been able to find out from the administration what their stated purpose is of sacking everybody and then not appointing even enough to constitute a quorum for that very important group.

Thank you very much.

Mr. FRAZIER. Thank you. I would like to add, with respect to the sacking, I was sacked with a good bunch of people, so I do not feel so bad about it.

Mr. KILDEE. You were in good company.

Mr. FRAZIER. In summary, I would like to just reiterate the fact that we are in total support of the Indian Education Act as it is now administered. We would like to see it reauthorized. The money has got to be there and I would hope that we would ignore the administration's request for a divesting of the responsibilities to the Indian country.

Thank you, Mr. Chairman.

[Prepared statement of Gregory Frazier follows:]

PREPARED STATEMENT OF GREGORY FRAZIER, CHIEF EXECUTIVE, NATIONAL URBAN INDIAN COUNCIL

Mr. Chairman, members of the subcommittee and subcommittee staff, my name is Gregory W. Frazier and I am the Chief Executive for the National Urban Indian Council. We are extremely pleased at having been asked to testify on behalf of our off-reservation Indian and Alaska Native constituency on issues pertinent to Indian education and particularly the Indian Education Act.

We would like to comment on the three (3) issues your committee is looking at: (1) The accomplishment of the Title IV programs; (2) The effects of the proposed budget cuts; and (3) Why the Title IV programs should be continued.

We would first like to advise the members of the subcommittee that there are now more American Indians and Alaska Natives residing in off-reservation areas than ever before, and that this group now represents a majority of our Indian and Alaska Native population. It is this group that finds themselves in the public schools and the subject of your deliberations. It is also this group that the current Administration would like to absolve itself of. The budget proposals put forth by the Administration is that no funds be made available under Title IV for the Part A programs which would leave the Indian and Alaska Native children in the off-reservation areas without any federal support in our school sytems. This would return us to our previous unsatisfactory position and be a giant step backward in modern day education.

The matters that you are considering have a real and constant effect on our Indian and Alaska Native children. To look at the accomplishments of this program over the last ten (10) years one must take into consideration the ever increasing number of Indian children entering institutions of higher education, as well as those completing advanced degrees. The special programs of the Indian Education Act have made this possible. Further, we must also consider the degree of involvement our Indian and Alaska Native parents have had in local education programs for their children. This again is a direct result of the Indian Education Act. We can all be assured that if the school districts did not receive these small and limited federal funds they would not be doing anything special for our Indian children.

For the last several years, the National Urban Indian Council has been actively involved with the National Advisory Council on Indian Education (NACIE). This Advisory Council has during that time, conducted a series of hearings on the Title IV programs. These hearings were held throughout the United States and their findings are attached herewith. We are of the opinion that these documents best reflect the feelings and attitudes of our Indian and Alaska Native people on the subject you are studying.

In summary, your review of the NACIE hearings will show (1) unanimous support for reauthorized Indian Education, (2) that the loss of these programs would be dis-

astrous to the futures of Indian children, and (3) that the Title IV programs, and particularly the Part A programs have had a wide ranging and beneficial result in improving the education level of our population. The National Urban Indian Council hereby requests that full funding be authorized and appropriated for the Title IV programs, and that they be continued in total and with the full target population they are now serving.

Mr. KILDEE. Thank you very much, Mr. Frazier.

Our next witness is Mr. Roger Bordeaux, president of the Association of Contract Tribal Schools.

STATEMENT OF ROGER BORDEAUX, PRESIDENT, ASSOCIATION OF CONTRACT TRIBAL SCHOOLS

Mr. BORDEAUX. I would like to thank you for inviting me in. I think what you are going to hear today is that nobody likes what Reagan is doing in regard to title IV. I do not think you will hear anybody that agrees with him.

I am here on behalf of the Contract Tribal Schools. We formed an organization a little over a year ago just to try to keep track of what is going on, and to provide some communication training and some technical assistance for the tribally controlled elementary and secondary schools.

Title IV, since its enactment, has probably initiated four main things that I think most of the schools have been able to get into. I think they have all more or less been mentioned already, but in summary, I think training is one major item that has been available; community involvement, or parental involvement, however you want to call it; culturally relevant instruction and curriculum development, giving us a chance to demonstrate different things and everything; and then many other educational support service programs.

I would like to kind of go through each one of these and point out some programs that either I know about or that I have talked to about 10 or 12 schools before I came up here. It should give you a general idea of what is going on now.

In training programs, we were figuring on probably well over 300 or 400 Indian administrators now, primarily because of title IV. There were upwards of five to seven different administrative training programs, not only education administration, but in guidance and counseling, special education administration, and many other things.

Since 1972, there are probably at least that many in the Nation, and if you looked at it real hard, I do not think too many of those would have finished, either gotten their masters—and some of them have gotten their doctorates—if it were not for title IV.

The programs have also helped education aides in the classrooms. I think that at our school, we averaged something like 0 to 6 hours back in 1972 and 1973 when we started and our education aides now average between 45 and 50 credit hours of college.

Both of our principals have received their administrative certification in South Dakota through the use of title IV funds by going back to school and getting their masters. We have six teachers in

our school alone who did work as aides before, but they were able to go on and get their bachelors and now they work in the classroom.

I think the main thing that all this training does is provide our students with a terrific role model. When they can see people that they have known all their lives and have grown up with helping them out and trying to teach them things, running programs and everything; it helps out quite a bit. The other thing that it provides is educated leaders for the Indian population in the Nation.

The community involvement section: I think, we at the school, when we first started, had a big school board, about 20 members. Through the use of title IV programs we have been able to get upwards to 75 percent of the parents, into the school system at least once a year. There was a school down in the southwest that was able to increase parental involvement by 90 percent because of the various programs that were available through title IV.

There has been a significant increase in parents coming up to the schools and just looking around, or talking to the teachers or talking to their own kids about what is going on in their classrooms and talking to the administration and everybody else.

The culturally relevant instruction and curriculum development is one very important factor for almost all of the schools. Not only the Contract Tribal Schools, but also a lot of the public school systems were able to start and develop and test out in the classroom and modify.

But a lot of these programs would probably have not been available and money would not have been spent, some thing might not have even been tried, if title IV had not been available.

The last one, what I call support services programs are programs that help education in social needs that a lot of the schools end up with for one reason or another. Courses in sex education, drop-out prevention or out-of-school programs. There are a lot of modifications to drop-out prevention programs.

Counselling programs, some of the schools run adult ed through part B or C and demonstration programs which concentrate on life-coping skills and GED programs; recreation programs; community education; student leadership; career ed; summer school programs; cognitive learning to toil services and a lot of demonstration projects.

Some of the schools have also started, because of title IV at the local level. I think that it is very important to give those people an opportunity, if they have the resources available, to start their own schools in their own communities and control that system.

Some of the smaller schools on some of the reservations have upwards to 50 percent of their total funding level funded through title IV and they have to go out and hustle all over the place just to maintain an adequate program.

I think in closing, what I would like to say is that if the present administration's recommendations are approved, I think Indian education is going to falter, it is going to go back to moving at a very slow pace. We have advanced probably dramatically in the

last 10 years. If title IV gets cut off, we are going to stop. There are no other resources available that I can see. The programs will all have to cease to operate.

Schools themselves, elementary and secondary schools themselves, will have to try to survive on a formula which is inadequate. Nationally, I think that the leaders in Indian education will try to seek something that will help the students in their classrooms.

I would like to thank you for the opportunity to talk. You do have my written record. The only other thing is I am assuming that there will be enough time for other written testimony from some of our other schools.

Mr. KILDEE. Yes, we will leave the record open for 3 weeks for additional testimony.

Mr. BORDEAUX. Three weeks, OK. Thank you.

[Prepared statement of Roger Bordeaux follows:]

PREPARED STATEMENT OF ROGER BORDEAUX, PRESIDENT, ASSOCIATION OF CONTRACT TRIBAL SCHOOLS

My name is Roger Bordeaux, I am the current President of the Association of Contract Tribal Schools. ACTS was formed a little over a year ago to provide Advocacy, Communication, Training and Technical Assistance to existing tribal schools and other schools who are interested in local control of educating their children. The Contract Tribal School movement started in 1966 when Rough Rock Demonstration School contracted with the BIA to run a local school. In 1973 there were roughly 15 local controlled Indian schools. There are currently 60-plus schools throughout the nation. All of these schools are determining their childrens future by operating and administering their own schools. Their are many success stories of how these schools operate along with some failures.

I am here today to talk to you about the proposed recessions of Title IV Indian Education Act Funds for fiscal year 1983 and the close out of fiscal year 1984. The decision seems to be in direct conflict with President Reagan's Indian Policy issued only a month ago.

Through discussion with other tribal schools, and tribal officials on various reservations, there appears to be four main acres which these funds have improved the education programs on reservations: (1) Training (Adult, Educations, Aides, etc.); (2) Community Involvement; (3) Culturally relevant instruction and curriculum development; and (4) Education Support Service Programs.

I would like to discuss some of these programs that have been successful.

1. TRAINING

Through the use of Title IV Indian Education Act funds, there have been a substantial increase of Indian administrations working in tribal, public, private, and BIA schools. Most of these were able to receive their Masters degree in Education Administration and a few were able to get a Doctorate. Other Indians were able to get advanced degrees in Counseling Special Education, Forestry and many other fields.

The two Lakota principals we have St. Francis Indian School were able to get their Masters degree because of Title IV.

Education Aides were able to further their education because of Title IV funds. The average number of college credits our aides has advanced from 0 to roughly 45 credits.

Some of these aides have been able to finish their bachelor programs and get teacher certification because of Title IV. We currently have five certified teachers who were able to get their bachelors because of Title IV.

There are many other training programs that were started with Title IV.

The main thing that I am trying to point out is that because of Title IV, we as Indians have educated leaders throughout this country who are able to act as role models for the students in our schools. They are also able to work for the betterment of Indian education on a local, state and national level.

2. COMMUNITY INVOLVEMENT

Specifically because of Title IV there has been an increased awareness of education programs for Indian students.

One administrator at a tribal contract school said that because of Title IV he was able to increase parental involvement by 90 percent. Title IV has provided another vehicle for parents to become aware and involved in educating their children.

There have been some tribal education departments set up because of Title IV. They are working on their won education standards and other Tribal education priorities.

3. CULTURALLY RELEVANT INSTRUCTION AND CURRICULUM

Title IV has allowed thousands of Indian children to identify with their culture. Programs which concentrate on the retention of the Native language is probably the most important part. Other cultural instruction include arts and crafts, history, and dance. The development of curriculm material, which is relevent to the students, is essential to improve the academic achievement.

The culturally related programs are needed to improve students self-esteem.

4. EDUCATION SUPPORT SERVICE PROGRAMS

These programs funded from Title IV include a wide variety of supportive supplemental programs which all increase awareness, improve academic achievement, and self-esteem.

Some of these are basic skills reinforcement, counseling, vocational education, tutorial services, drop out prevention, attendance, recreational activities, student leadership, cognitive learning, and other support services.

CONCLUSION

The bottom line is that if funding for Title IV Indian Education Act is not allotted you will in effect commit educational genocide and strangle economic development on the reservations. This will be done because there will be no source to improve education not only for the elementary and secondary students but also adult Indians who will be and are leaders on the reservations and the nation.

Mr. KILDEE. Thank you very much, Mr. Bordeaux.

I will keep my questions few this morning since we have several other panels, but all or any of you may respond. Title IV is the only program with school-level local needs assessment focused on Indian students.

Has this local needs assessment been important or beneficial, and if title IV is terminated, will this type of assessment continue?

Ms. REYES. I would like to respond. We work in the States of Oregon, Washington, Idaho, and Alaska right now. There will be no needs assessment. I can categorically state that. The school districts are just now—we are beginning to see a trend now where school districts are becoming aware of the needs of Indian students; they are becoming very appreciative of the parent involvement and they will not be able to keep the parent involved with the termination of title IV funding.

Mr. KILDEE. I thank you very much. Anyone else care to comment on that?

My second question would be, Are you aware of any consultation with people involved in Indian education before this decision on the part of the administration to terminate title IV, with NACIE, for example?

Mr. FRAZIER. Well, I think the consultation was when we advised the Department what our position was as a Council on the proposed transfer to the Bureau, for instance, of the Indian education programs. I think this led to our, as you called it, "sacking." They really did not want to hear from us.

Mr. KILDEE. That is like hanging the king's messenger, right?

Mr. FRAZIER. That is right. I think occasionally somebody up there has a fight with their wife, comes to work and says, OK, let's beat up on the Indians this week. If NACIE is there to give them a hard time about it, they do not want to hear it.

Mr. KILDEE. All right.

The gentleman from California, Mr. Packard.

Mr. PACKARD. Thank you, Mr. Chairman. I appreciate your testimony this morning. Do you know the approximate total student population of Indians as compared to the total student population in the country?

Mr. LEAP. I can go this far with an answer. If you tabulate 1980 census reports for persons I would identify as Indians or Alaskan natives, aged 5 to 18, you come up with the figure of 430,872 individuals.

Mr. PACKARD. That represents around 1 percent or less of the total student population of the United States.

Mr. LEAP. I suppose so.

Mr. PACKARD. Do you know the total amount of educational funds that is directed toward Indian programs and Indian education through both the Bureau of Indian Affairs and other programs?

Mr. LEAP. That would be very difficult to tabulate. For example, chapter I makes no effort to identify how many students of any political, racial, ethnic background are served. They will refer you to each SEA. So outside of the number of Indian students served by chapter I through BIA, there would be no way of estimating.

Similarly, impact aid will tell you that they cannot provide you with that information at all.

Mr. PACKARD. I see. I just did some calculating on some figures that I had and it came to somewhere close to a quarter of a billion dollars. Be that as it may, what I was trying to determine is what percentage of educational aid is coming to the Indian programs, I think all of us are concerned that they receive a fair distribution of those funds in accordance with their need.

Are there programs that are now in place for the Indian education programs that you would prefer to see sacrificed rather than title IV?

Now, that is a difficult question, but it is the type of question we must consider as we try to balance a budget and still provide a good educational program for all segments of our society.

Mr. BORDEAUX. I think it is very hard for people to try to give up something, but my personal opinion, this is my own, I would—it is not purely education money, but I think there is a part of a wheel that needs to be cut out within the Bureau system. That is the area offices. It is not that I do not like the people that work in area offices, but the structure is so much that it can take upwards of 6 months to a year to get a response from anybody. It has to go from one place to another place to another place, and you know, by the time you get everything.

There has been a little bit of discussion about the BIA area office, restructuring and cutting down into regional offices and all this other stuff. I think the best thing is just to cut it all out.

Mr. PACKARD. I have no further questions, Mr. Chairman.

Mr. KILDEE. Mr. Martinez from California.

Mr. MARTINEZ. No questions, Mr. Chairman.

Mr. KILDEE. Mr. Bartlett from Texas.

Mr. BARTLETT. Thank you, Mr. Chairman. Like my colleagues, I appreciate you all coming here today and all of the witnesses on the panels in offering us some testimony from people who deal with these programs every day.

I have some questions, both factual and conceptual. My interest is in increasing parents' invo'vement in the schools. I very much respect your judgments that increasing parents' involvement in the schools is beneficial. Parental involvement is one of the most important things that a school district can do. I am interested in one of the statistics, for example, from a school in the Southwest that saw a 90 percent increase in the number of parents involved as a result of title IV.

Having parents involved in schools is good for the school, it is good for the students, it is good for the parents, it is good for the community. Why is Federal money necessary to achieve parental involvement? If getting parents into the school is something that the school district or the tribe wants to accomplish, what is the money in title IV used for such that if you eliminated the money parents would no longer be involved in their children's schools?

Mr. BORDEAUX. I think there is more than one response here. I think one very basic thing when you talk about parental involvement is that you do not need money to get the parents up to the schools. You need programs that are innovative, demonstration whatever you want to call them. Things that have not been tried at the local level.

Probably prior to title IV, there was basic education what some people would probably call very basic education—somebody teaches reading, writing, math and that is it. Schools now have got into community education centers, we are saying that the schools are not just there for the students. It is there for the community, and oftentimes that is the only thing there in the community to tie the people together.

So if you can have things that interest the parents, that get the kids interested, get tribal officials interested and get them up to your school, you are not only helping the school, you are helping the community, you are helping your tribe, you are helping everybody overall.

I think that is the main thing. You are not talking about using money to get parents up to the school, you are talking about using money to have programs that will help the students and will eventually help everybody in the community and on the reservations.

Mr. FRAZIER. One of the wrinkles in the game from the standpoint of the school district was that if you had so many students, you could qualify for some of these funds. The wrinkle was, by the way, school district, you will have to have a Parent Advisory Committee made up of Indians that oversee how the money is spent, some of the program designs. That was the catch, to get the school district to involve parents.

If you take that money awav, the school district is not going to continue that initiative. I guess that is the best way to put it. It is

not that they are paying for the parents to drive up to the school or giving them mileage or lunches or anything like that. The school is on the hook to involve the parents.

Mr. KILDEE. So to summarize Mr. Bordeaux's answer, there are problems up there for the parents to be involved in, and Mr. Frazier's answer is because the school districts do not want the parents involved and the Federal Government requires their involvement.

That may be oversimplifying, but is that—

Mr. FRAZIER. I think it is very over-simplifying. I have seen situations where the school district dug its heels in to do everything it possibly could to keep those parents from involving themselves in the school program designs. The only way that those parents were able to have anything to say about what their children were taught as it relates to Indian-ness was through that Parent Advisory Committee and the fact that the school had gotten this Federal Indian dollar.

Mr. KILDEE. Would any one else like to elaborate?

Mr. LEAP. Possibly another, but a weaker way of making the point would be just to note that parents and tribal governments talk about educational needs all the time. One thing that title IV, part A allows is the working capital to put some of those ideas into practice so the parent now has a reason for going up to that school and talking to the principal because there is now some funding to bring about some of the programs that perhaps, in all honesty in many circumstances, there are no dollars to support under other circumstances.

Mr. BARTLETT. Thank you. One issue this committee will have to evaluate is our degree of confidence in parents wanting to become involved in the schools and our degree of confidence in school districts in wanting those parents' involvement. Perhaps the truth lies somewhere in between.

My second question relates to the degree of concentration of title IV funds. Sixty-eight million dollars is a whale of a lot of money. However, when $68 million is spread out among 50 States, assuming equal allocation to each State, each State would receive an average of $1.2 million. Of course, the funds would not be spread out equally. In the State of Texas, we have $10 billion alone that comes from State funds, in addition to school district funds. The Dallas Independent School District, the eighth largest school district in the country, and one with a substantial urban Indian population, receives $54,727 from this program, against a budget of $400 million total.

Are there school districts that I am not aware of, urban or rural, that receive a concentration where title IV actually has a significant percentage of the budget? DISD, I would assume that whatever DSID is doing with $54,727, aside from hiring three teachers, which would be a good start, I am assuming that they would do that anyway.

So my question is, is there some school district somewhere in which some significant portion of their budget, 50 percent or 40 percent or 20 percent, is simply not going to be there without these funds?

Mr. BORDEAUX. There is within the title IV section money that is set aside for establishment of programs which I believe are mostly within Indian communities, most of them are on-reservation. It is to get a school system started where there was none before or to take over a previous Bureau of Indian Affairs or private school or even the possibility of controlling the public school system.

There is a section of money set aside for that. This then constitutes 100 percent of their budget, plus whatever other discretionary programs they can hustle up. There are even some of the tribal schools that have been operating for years that have had to rely on title IV as an alternative resource because the Bureau does not provide adequate funding.

Some schools have upwards of 30- to 40-percent of their budget using title IV programs. Most of it is on a competitive basis; some of it is entitlement and some of the other programs that are available within title IV.

So there are some schools out there that will probably end up being closed down because there is nothing there.

Mr. BARTLETT. Do any of the other organizations have a list perhaps, or a list of the significant concentrations?

Mr. LEAP. The last two pages of the NCAI testimony present for you State-by-State, which is at a little higher level than you are discussing, title IV part A awards for fiscal year 1982, ranked in comparison to each other and then calculations to show what percent those awards constitute of large Federal elementary, secondary moneys received by the State, and then specifically the chapter I allocation.

That will give you some idea of how the dollars would stack up State-by-State in terms of comparisons. But I think the real point that NCAI would want to make in response to your question would be this: As has been pointed out, some schools might have to close completely if title IV were eliminated. NCAI's concern is about programs that might have to be phased out. Even if the dollars are small, or even if we are talking a $6,000 grant under part A to a school district, if that $6,000 is doing something, we have no assurance, and I do not think the committee has any assurance that chapter I or title VII or impact aid or increased school taxes locally will pick up those dollars.

That is the concern that we bring before the committee. It is not so much what will happen if the money goes, but what alternatives are open.

Mr. KILDEE. Thank you, Dr. Leap.

Ms. REYES. I can—in Seattle, which operates American Indian Heritage High School for 100 Indian students, the school would close. There are no State funds that would be available to pick up American Indian Heritage High School.

The State did provide a portion of their funding at one time, but that funding is no longer available. So they have very limited State funding right now and that school would close. I would venture to say that in many other areas, which would be comparable to Seattle, you would see the programs closing.

Mr. KILDEE. That school has approximately 100 students, you say?

Ms. REYES. It has 100 Indian students enrolled in high school. That is grades 10 through 12.

Mr. BARTLETT. Thank you, Mr. Chairman.

Mr. KILDEE. Thank you, Mr. Bartlett.

I want to thank the panel, you have been excellent, and I think we are creating a good record, not only for this committee, but hopefully a record that will be summarized and submitted to Mr. Yates' subcommittee, for he has authority on the rescision.

The House has been quite good on defending this program. While I cannot commit the House, I certainly feel that the record has been good of trying to block any attempts to destroy this program. I would urge you to try to get in contact with Mr. Yates' appropriations subcommittee. We will certainly be in contact with him personally, and the staff of this committee will be in contact with the staff of that subcommittee.

We hope to create a very good record for title IV this morning. We thank all of you.

Our next panel will consist of two long-time friends of mine, Mr. Delfin Lovato, chairman of the All Indian Pueblo Council, whom I met a few years ago when I first began to serve on this committee, he was one of my hosts when I travel out through that country; and also Mr. Ed Begay, who is the vice chairman of the Navajo Nation. He was the chairman of the Navajo Area School Board Association when I was out there.

I would like to welcome both of you here and ask Mr. Begay, particularly, to give my Yatahay to the new chairman, Mr. Zah.

Mr. BEGAY. Thank you.

Mr. KILDEE. You may proceed, Mr. Lovato.

STATEMENT OF DELFIN LOVATO, CHAIRMAN, ALL INDIAN PUEBLO COUNCIL

Mr. LOVATO. Mr. Chairman, members of the committee, if I may, I would like the record to show that I have three Pueblo Governors with me: The Governor of Jemez, Mr. Chinana; the Governor of San Ildefonso, Mr. Mountain; and the Governor of San Juan, Mr. Aguino, who are sitting in the back.

I would like to also state for the record that our statement is someplace in transit over here and I apologize to the chair and to the members of the committee for not having it before you this morning.

I would just like to first of all support the comments and the statements that were made by the witnesses earlier this morning. I want to summarize the position of the All Indian Pueblo Council. I do not think there is any need to belabor the points that have already been made.

Like the other witnesses before me, on behalf of the Pueblo tribes, the 19 Pueblo tribes, stand in opposition to the rescission. We stand in opposition to the proposed termination of title IV. I think the examples as far as the adverse impact that these actions would have on Indian education have been well documented and well stated.

I think the sad position that we find ourselves in is one whereby these actions, or proposed actions, are another example of what I

consider a total lack of understanding, a total lack of direction on the part of this administration in terms of Indian education, as well as other vital areas that concern our people.

Either the administration is getting bad information from the colonels and lieutenants up and down the line or they just do not want to get informed; they just do not want to consider the tremendous harm that they are doing to Indian children. I think it is a shame because there is a wealth of information, a wealth of talent in Indian country that could be utilized to provide this administration with the type of information that I think it takes to come up with a far-sighted and justifiable position regarding title IV and other Indian education programs.

It is very disheartening and frustrating to parents, teachers, counselors who have spent the past 20 years in trying to bring about the successes we have had in Indian education, and I think those successes are equally well documented all the way from kindergarten to higher education.

We, too, feel that the Federal Government has a trust responsibility to provide Indian children with the best education possible. We feel strongly that as part of that educational process, the Federal Government also has a responsibility to provide the opportunity for the Indian community to become involved in the policy decisions made. Contrary to what some Members of the Congress and some members of the public might feel, Indian community has not had that opportunity in the past, and it was not until the advent of funds into the local school districts that we began to see the type of interest that school boards should have been showing for Indian education all along.

I think it was not until the enactment of some of the legislation that we have seen over the past 5 to 10 years that school districts are now actually being forced to get the participation and involvement of the Indian community.

The questions regarding the need for funding to involve parents, I think, is unfair. They have always been interested; they have always wanted to participate. They just have not had the opportunity. I think whether title IV stays or goes, we will continue to be involved.

As you know, the Pueblo community is running their own junior/senior high school program in Santa Fe, and the impact there will also be equal to that of other districts. We have approximately 14,000 Pueblo students in the various public schools within the State of New Mexico who will be affected.

I think the overall successes that we had will not come to a total halt, but it certainly is going to take a lot of hard work and effort on the part of the local committees and the school districts to continue that trend that we have started.

I just want to point out, also, and request that the chairman and the members of the committee strongly support the continuation of title IV. I think it has done a tremendous job. I think it will continue to be a success.

The interest that you have shown, Mr. Chairman, we are totally grateful for and I know Mr. Perkins, Congressman Perkins has introduced House Resolution No. 11, I believe, which we strongly support and endorse.

Thank you very much.
Mr. KILDEE. Thank you, Mr. Lovato.
Mr. Begay.

STATEMENT OF EDWARD T. BEGAY, VICE CHAIRMAN, NAVAJO TRIBAL COUNCIL

Mr. BEGAY. Thank you, Mr. Chairman, and members of the committee. My name is Edward T. Begay, vice chairman of the Navajo Tribal Council. Accompanying me are John Thapala, special counsel to the vice chairman of the Navajo Tribe and Dr. Franklin Freeland, Assistant Director of the Navajo Division of Education.

Mr. KILDEE. Welcome here this morning.

Mr. BEGAY. Dr. Freeland has prepared for the committee a written statement which sets forth the position of the Navajo Nation with respect to the proposed elimination of title IV programs in the fiscal year 1984 budget of the U.S. Government.

The analysis prepared by Dr. Freeland and the staff of Navajo Division of Education outlines the reason that the Navajo Nation must urge the continuation of each part of title IV of the Indian Education Act.

My presentation this morning will differ only slightly from the written statement presented to you.

Mr. Chairman, members of the committee, the Navajo Nation has historically encouraged its young people to obtain an education that would benefit themselves as well as individual Navajos. In the long run, the Navajo Nation. When the Navajo Tribe of Indians signed a treaty of peace with the U.S. Government in 1868, our forefathers had already understood the importance of an education included in article X in the provision of the treaty.

Article X of the treaty of 1868 guarantees that each Navajo child shall be provided an education by the U.S. Government. In return, the Navajo people promised that they would no longer wage war against the United States.

The Navajo Tribal Council has more recently reaffirmed the importance of education by appropriating $10 million for scholarships for Navajo youth and by appropriating several additional millions to aid Navajo Community College.

This latter appropriation was necessary because of Federal budget cuts to the college in fiscal year 1982 and 1983. The Navajo Nation has approximately 60,000 Navajo students, K through 12, enrolled in 43 public schools, 66 Bureau of Indian Affairs Schools and seven community-controlled contract schools.

Nearly two-thirds of our children are enrolled in public schools on the Navajo Reservation. Like most other Indian reservations, our population is very young. In 1980, the median age of Navajo population was approximately 18 years. Indian reservations are not like communities outside the reservation where the population is in general getting older.

That is why every dollar cut from the Federal budget for education of our young people must be challenged. Our increasing number of young Navajo children entering the school system each year demand that we have more educational funds for our children, not less.

As Dr. Freeland's analysis points out, title IV programs on the Navajo Reservation have been extremely successful. Title IV programs have contributed to raising the achievement scores of our youth, keeping our children in school, thereby lowering the dropout rate, and increased parental involvement in the education of our children.

Title IV moneys have been used to fund a diversity of programs which reflect the variety of needs within the school district on the Navajo Reservation. If there is one constant in the application of title IV funds, that is the poorer the district, the greater the need for title IV programs.

Thus, the termination of title IV programs will severely be felt in these districts with the greatest needs and the fewest resources. Title IV funds have been used in our school district for remedial programs, bilingual/biculture programs, programs for gifted Navajo students, home/school liaison programs, tutorial programs, summer programs and student retention programs.

The programs funded by title IV are as diverse as are the problems faced by the Navajo students, are as innovative as ingenuity of Indian parents and educators in addressing these problems.

Mr. Chairman, members of the committee, the Indian people need the continuation of the title IV programs. The proposed termination of title IV by the administration is justified by the statement,

> Indian students and adults will continue to be eligible for service under other programs such as Chapters I and II, Vocational and Adult Education, Bilingual Education, Impact Aid and all student aid programs.

But anyone who has taken remedial reading or remedial math tests can tell you that the administration's math does not add up. Funding for all the programs referred to, with the exception of vocational training, are also being cut. Moreover, all other supplemental public school programs are being cut back, frozen, or only given a minimal increase.

At the same time, the State governments, faced with their own deficits, have similarly reduced State support levels for education. As a result, every educational program in the schools serving our children is stretched to the limit.

The Navajo Division of Education contacted every public school district on or near the Navajo Reservation and asked if existing programs in such district would pick up title IV activities. The unanimous response to that was, there are no funds with any other supplemental program or in the basic maintenance or operational budget for title IV projects.

Hard times have caused a pooling of resources among programs, such as several programs picking up part of the secretary's salary or one program providing the teacher and another the cost of the materials.

This means the loss of one program such as title IV could result in the impairment of the remaining supplemental programs. Aside from the financial considerations, title IV is a very flexible program, well-suited to the unique needs of Indian students.

Title IV provides local program moneys, and elected committees of the Indian parents who meet with school administrators to plan for the use of title IV funds. It allows school districts to operate programs

and services which do not fit within the stricter requirements of the program funded by chapter I, title VII and the like.

Quite frankly, gentlemen, there are no substitutes for title IV within the Indian communities. What is most disturbing to me and other Indian leaders that I have talked to regarding this issue is the failure of the administration to consult the Indian tribes, parents, and educators on the subject.

The proposed elimination of title IV has dropped out virtually out of the sky, or should I say out of the Secretary of the Interior, James Watt's head. It is a scheme concocted while the Office of Indian Education and the Department of Education was without a director and often more knowledgeable staff within the Department of Education has been riffed.

Perhaps this is the reason that justification was given by the administration for elimination of title IV. So factually erroneous and programmatically unsound.

In summary, let me reiterate that the impact of title IV on the education of Navajo children has been profound. Over 37,000 of our children living on or near the Navajo Reservation benefit from the programs funded by title IV. In addition, a large number of Navajo students, whose parents have been forced to move from the reservation to find jobs, have benefited from the program in urban cities.

With the educational future of many of our children at stake, I find it difficult, no, impossible, to understand how the administration could target this program for elimination without consulting Indian leaders and Indian educators.

The matter in which the decision was made raises serious questions concerning President Reagan's recent commitment to deal with the Indian tribes, government-to-government basis.

Gentlemen, let there be no misunderstanding, this government, the Navajo tribal government, does not agree that title IV is expendable. I therefore urge Congress to reject the proposed elimination of title IV funding and to fund title IV at a level sufficient to meet the diverse and unique needs of Indian children throughout the United States.

Thank you for your kind attention.

[Prepared statement of Edward Begay follows:]

PREPARED STATEMENT OF EDWARD T. BEGAY, VICE CHAIRMAN, NAVAJO TRIBAL COUNCIL

Members of the Committee, we appreciate the special opportunity which you are giving us to appear before you in support of the Title IV program. This important program is threatened with extinction under current policies of the Reagan Administration. It is hard to understand why this should be so, because the program accomplishes so many things which the President has identified as important in education programs. It has met part of the "appropriate Federal responsibility" for Indian education. It has fostered local control of education planning. It has involved Indian families in education decisions affecting their children. It has worked. Elimination of the program will set back many of the gains being made in the education of Indian children and leave the academic and employment future of these children even more uncertain than it is now.

THE RATIONALE FOR ELIMINATION OF TITLE IV RESTS ON FAULTY ASSUMPTIONS

The Administration, in its official justification of the elimination of Title IV makes several faulty assumptions. These include the assumption that the trust re-

sponsibility of the Federal government (to the extent the administration is willing to admit there is a trust responsibility) which gives rise to federal responsibility for Indian education, resides only in the Bureau of Indian Affairs and not in any other part of the Federal Government; the assumption that other supplemental programs or basic programs (such as Impact Aid) can pick up any needed Title IV programs; and the assumption that Title IV has done its job and is no longer needed. None of these assumptions stands the test of analysis.

1. Indian education is the responsibility of the U.S. Government

It is legally, historically and practically unsound to contend that the entire responsibility for meeting Federal obligations to Indian people rests with the Bureau of Indian Affairs. In 1868, when the Navajo people made their treaty with the United States, there was no Bureau of Indian Affairs. That treaty was made with representatives of the U.S. Army. Yet no one at this point seriously expects the U.S. Army to effectuate U.S. obligations under the treaty. Impact Aid, identified in one government study as the best expression of the Federal trust responsibility for Indian students in public schools, is administered through the Department of Education. The same is true of Title VII, which has funded some programs directed particularly at Indian students. We did not make a treaty with an agency. We made a treaty with a government. We look to that government, not to any one agency within it, for the realization of the promises contained in that treaty, including the promise that our children would be educated.

2. Other programs cannot compensate for the loss of title IV

The administration asserts that other programs can pick up any necessary Title IV functions. It is difficult to understand the basis for this contention. This Administration has been very lean in its funding of education programs. All supplemental public school programs have been cut back, frozen, or increased minimally at much less than the rate of inflation. At the same time, state governments, faced with their own budget deficits, have been similarly tightening state support levels for education. As a result, every educational program in the schools serving our children is cut to the bone, stretched to the limit. The Navajo Division of Education contacted every public school district on or near the Navajo Reservation serving Navajo children and asked if existing programs in the school could pick up Title IV activities. Our question was universally greeted with scorn and disbelief. School administrators were unanimous in stating that all their programs are underfunded. There is no home within any other supplemental programs or in the basic maintenance and operation budget for the Title IV projects. Indeed, hard times have caused a pooling of resources among programs (such as several programs picking up part of a secretary's salary; or one program providing the teacher and another providing the materials costs). This means that the loss of one program such as Title IV can result in the impairment of the remaining supplemental programs.

Quite aside from the financial considerations, Title IV is a very flexible program. It allows a school to operate programs and provide services which do not fit within the stricter requirements of such programs as Chapter I, Title VII and the like. Title IV is forward funded. It is money schools can plan on. This puts it head and shoulders above the Johnson-O'Malley Program, quite apart from the eligibility and other limitations of the JOM program. Title IV money is locally programmed money. Elected committees of Indian parents meet with school officials to plan for the use of this money. There really is no substitute for this program.

3. The title IV program is still needed.

Title IV has had some outstanding successes. It has improved achievement. It has had an impact on the drop out rate. It has increased parental involvement. This does not mean that the need for Title IV has disappeared. It would make as much sense to say that because a good foundation has been laid, a house does not need walls or a roof. Because a situation is improved does not mean it is resolved. For example, Title IV programs have had success in raising achievement scores of participating students. However, achievement scores of our students are still significantly below the national average. Better is not the same thing as good enough. Title IV programs have been successful in keeping some children in school. However, the drop out rate for our children is still unacceptably high. A review of attendance data for the last school year showed a senior year enrollment for Navajo students that was approximately 35 percent below the freshman enrollment. This figure does not even catch the numbers who have dropped out before the freshman year. Title IV programs are helping us deal with this problem. We still need them.

Title IV has been very effective in involving Indian parents in the education of their children. Parental involvement is something that is almost taken for granted in middle class white school districts in this country. Of course parents are involved. They elect the school board. They pass on the school levy. They can make demands if their children are having problems. For Indian parents the situation is very different.

For many Indian parents their first experience with education was being forcibly taken from their parents' home and placed in a boarding school where they would be physically punished for speaking their home language. For these parents to see school as a place where they can share in creating a future for their children requires a tremendous process of trust building and reorientation. It does not come easily. In many cases, Indian parents are a minority of voters and cannot select their school board. In highly impacted school districts, the basic school budget is often outside their power to influence.

Title IV has provided an extremely effective means for Indian parents to become a part of their children's education. In our survey of Title IV programs affecting Navajo children, we were told time and time again that the parent committees are active, involved, vital. Many parent committees meet at least once a month. Their meetings are often attended by 35, 40 or more parents. They ask questions about their children's education. They participate in framing solutions for problems. The diversity of programs funded by Title IV reflects the diversity of solutions which Indian parents are exploring to improve the education of their children.

Title IV has been used to fund a diversity of programs, reflecting the varieties of needs in the different school districts within the Navajo Nation. One thing we have noticed is that the poorer the district, the more critical is the Title IV program. Thus elimination of the Title IV program will hit hardest at the districts which have the greatest needs and fewest resources. Title IV funds have been used in our schools to fund remedial programs, bilingual/bicultural programs, bilingual counsellors, home-school liaison programs, tutorial programs, programs for gifted Indian students, summer programs, bilingual classroom aides, student retention programs (aimed at potential drop-outs). The programs funded by Title IV are as diverse as the problems of Indian students and the ingenuity of Indian parents and educators in solving these problems. What will become of these efforts if Title IV is eliminated.

ELIMINATION OF TITLE IV IS OCCURRING WITHOUT PLANNING OR CONSULTATION

One of the frustrating things about the proposed elimination of Title IV is that it is occurring without educational planning and without consultation with Indian tribes, parents or educators. It is an idea that has come out of the blue, or rather out of deliberations conducted in Washington without input from educators or Indians. It is a plan cooked up while the Office of Indian Programs in the Department of Education was without a director, and after many of the most knowledgeable staff within that office had been RIF'ed. Perhaps that is why the justifications given by the Administration for its recommendation are so factually erroneous and programatically unsound.

The impact of Title IV on the education of Navajo children is profound. Over 37,000 of our children benefit from the program on or near the Navajo Reservation. This includes not only public school students, but students in our community controlled contract schools. In addition, an untold number of Navajo students whose parents have been forced to move away from the reservation to find work have benefitted from this program in urban settings. With such a stake in the future of this program, we find it hard to understand how the program could have been targeted for elimination without our involvement. We cannot understand why the move was made "in the dark," without consultation. The entire process raises serious questions about what this Administration understands by the "government-to-government" relationship. Let there be no misunderstanding—this government, the Navajo government, does not agree that Title IV is expendable or unnecessary.

Quite aside from the lack of consultation, what strikes one most forceably about the proposed elimination of Title IV is the lack of planning. The Navajo Division of Education has made only the briefest review of Title IV programs on and near the Navajo Reservation. We immediately discovered that many schools use Title IV funds in conjunction with other funds to expand the supplemental programs available to students. For example, one school uses funds from three supplemental programs and the basic operational budget to pay for a secretary who performs secretarial functions for all three programs. Elimination of Title IV will affect the two remaining programs as well. Another school uses Title IV to pay for instructors and

aides for a remedial program and uses Johnson O'Malley funds to pay for parental costs and instructional materials associated with the effort. Elimination of Title IV will limit the effectiveness of Johnson O'Malley funds as well. It is doubtful that the Administration has any idea of the impact of the elimination of Title IV funds on other programs such as Chapter I or Johnson O'Malley in schools such as these. These schools should not be penalized for working so hard to stretch their dollars. It would be irresponsible of Congress to permit the elimination of this program without demanding that the Administration undertake a thorough evaluation of the consequences of removing this program and these funds from the resources available to our schools.

ALL PARTS OF THE TITLE IV PROGRAM ARE NEEDED

So far, our testimony has dealt with Part A of Title IV. This does not mean that Parts B and C are unimportant. We stress Part A because so many children and so many programs are involved. Parts B and C are also important. Part B is permitting research, back up and specialized programs that are increasing our ability to create innovative programs for Indian children. In the Navajo Tribe, Part B funds are permitting us to evaluate the education needs of our children within both state and federal school systems and across three states. Part C funds are aimed at the needs of Indian Adults. The program is small. But it is necessary. There are many Indian adults who were essentially missed by all school systems when they were children. Educational programs aimed at these adults should be an essential part of any program of economic development for Indian reservations.

CONGRESS HAS A RESPONSIBILITY TO ACT RESPONSIBLY

The planned elimination of Title IV is now nothing more than a proposal. Only Congress has the power to turn it into a reality. We would urge Congress to act swiftly and responsibly to reject the proposed rescission of Title IV funds so that existing programs can proceed and reject appeals to eliminate the program for the next budget year.

Mr. KILDEE. Thank you very much for your testimony.

Do any of the gentlemen who accompanied you have any separate statements to be made?

[The response was negative.]

Thank you very much.

I remind people from time to time and remind myself from time to time that the U.S. Government has both moral, legal and treaty obligations to the Indians of this country. I advise people from time to time to go down to the National Archives and look at the treaties which we have signed with the various nations, including the Indian nations of this country, and recognize and see that we do have moral, legal and treaty obligations.

I think the U.S. Government should not ex parte, ignore, modify or abrogate parts of those treaties. I think that both in substance and attitude those treaties should be adhered to. I think the attitude is something that very often is abrogated regularly.

We do have that treaty relationship and I think that all Americans, when they come to Washington, should visit our National Archives and look at the treaties signed with the nations of the world and the nations within this country, the Indian nations.

We appreciate you mentioning that. I consider both of you good friends, good witnesses, good representatives of your nations and I personally appreciate your testimony.

I have no questions myself. Mr. Kogovsek, do you have questions?

Mr. KOGOVSEK. Mr. Chairman, I apologize to you and to the people that we have testifying in front of the committee this morning for my tardiness. It is going to take me a little while to get caught up to where you are right now.

Let me just say that I am shocked at the cuts that are being recommended by the administration in light of some of the statements that have come from members of the President's Cabinet in regard to how this Congress and others in Government have handled the Indian situation.

I look forward to listening to the testimony that will follow. Thank you very much.

Mr. KILDEE. Mr. Packard.

Mr. PACKARD. No questions, Mr. Chairman.

Mr. KILDEE. Mr. Bartlett.

Mr. BARTLETT. I have nothing, Mr. Chairman.

Mr. KILDEE. Thank you very much for your testimony.

Mr. BEGAY. Thank you, Mr. Chairman, members of the committee.

Mr. KILDEE. Our next panel will consist of Dr. Pernell Swett, superintendent, Robeson County Schools, Lumberton, N.C.; Dr. Robert Swan, director of the Tribal Education Department, Fort Belknap Community Council, Fort Belknap Agency, Montana, formerly a member of the National Advisory Council on Indian Education; Mr. Hayes Lewis, superintendent of the Zuni Public Schools, Zuni, N. Mex.; Mr. Archie Mason, Indian education director, Tulsa Public Schools, Tulsa, Okla.

You may proceed, Mr. Swett.

You are from North Carolina. I stop from time to time in Lumberton——

Mr. SWETT. Good place to stop in.

Mr. KILDEE. I stop at a gas station there and am treated very courteously by some Lumbe Indians who run that gas station.

Mr. SWETT. You must stop at the Mobil place there.

Mr. KILDEE. Yes, that is right. Thank you very much.

STATEMENT OF PURNELL SWETT, SUPERINTENDENT, ROBESON COUNTY SCHOOLS, LUMBERTON, N.C.

Mr. SWETT. Chairman Kildee and other distinguished members of this subcommittee, I am Purnell Swett, superintendent of Robeson County School Systems, which serves the largest number of Indian students enrolled in public schools east of the Mississippi and representative of the largest tribal population of nonreservation Indians in the Nation.

We have on file 8,747 OE 506 forms of Indian certification. Our school district has been privileged to have had the opportunity to present testimony in support of Title IV Education Act programs in the past and certainly we consider it an honor and a privilege to have this opportunity today.

From 1973 until 1975, I served as the senior executive officer for the Office of Indian Education in the former Department of Health, Education and Welfare, so consequently, I have had the opportunity to observe Indian education programs at work on the national, State and local levels. I am aware of the complexity of designing Federal administrative rules and regulations for programs to meet a diversity of special needs and special problems.

At the same time, I am well experienced in the many tasks in effectively integrating and coordinating the Federal educational

programs with other local educational programs while mandating full assurances and compliance with the Federal rules and regulations.

With your permission, I am submitting for the record a prospectus of the Robeson County Indian Education project which has been prepared by our project staff.

Mr. KILDEE. Without objection, it will be included in the record.

Mr. SWETT. Upon close review of this information, I believe that you will agree that contrary to the many problems of the past, Indian education programs are being appropriately administered and that the public schools are appropriate vehicles for beneficial and effective delivery of special academic and culturally related programs for Indian students.

I would ask your agreement to the fact that given appropriate guidance, flexibility and adequate funding, public school districts can develop data-based systems which can be examined for measuring program impact and also have applicability for replication as well as generalization for other educational programs and services for special-needs population.

Mr. Chairman, in the last 5 years, we have been able to show that our Indian student population absentee rate has decreased from 5.10 percent to 4.82 percent. Our dropout rate has decreased below 30 percent.

For the record, I would like to make a modification in the document that has been submitted. It says reducing the Indian student dropout rate from 69.75 percent to 60 percent, that is the percentage of the students who drop out, not the actual dropout itself, because we average right now 9.5 percent dropout rate.

We have been very successful in increasing the number of students identified as gifted and talented from 38 in 1973 to over 120 Indian students in 1982.

We have increased the academic performance as measured by standardized tests of first graders from 37.2 percent scoring at or above national level to 62.9 percent scoring at or above the national level.

We have also reduced the percentage of students going directly into the work force from 46 percent to 27 percent by encouraging more Indian students to pursue higher education or postsecondary education.

Mr. Chairman, in my documents that I have submitted, there are several things that I will omit for the brevity of time and the record will reflect those. I am indicating that we have made tremendous progress, but we have a long ways to go.

I think that in the short history that I was involved in helping to write the first regulations for title IV, in 1972, 1973, and here it is 1983, we expect in that period of time to eradicate all the periods of neglect, deprivation that were reflected in the Kennedy report back in the turn of the 1960–70, then somebody is short-sighted on this type of investment.

Many of you are aware that when you stop and you try to get a boxcar moving, it takes a tremendous amount of effort. The boxcar is moving now, and I feel like that within the continuation of this program and strong support of this program that we give and we

hope that the Congress will give, that we will be able to see a multiplier effect, a duplicating effect, of the tremendous results that it has already accomplished.

Within the past year, I reorganized one of my departments and set up an assistant superintendent for compensatory education which includes migrant education, chapter I education and Indian education so that we would have a better vehicle for coordination and maximization of services.

I feel that with that, we are able to take limited resources and get tremendous mileage from those.

Recently, there has been some discussion in advocacy of phasing out Indian education programs because Indians can access other Federal education programs and services. The advocates of this theory of education administration profess to an ignorance of culturally relevant factors which must be considered in any effective Indian education programs in addition to an ignorance of the fact that pluralism and multicultural education exists in theory, not in practice.

In response to those that advocate that title IV has increased Indian parental involvement in educational decisionmaking and that Indian students have accessed schools and school activities to the fullest, we cannot accept their rationale.

It is true that Indian students are eligible and do, in fact, participate in other Federal education programs. It is also true that special educational and culturally related programs and services specifically designed for and by Indians do not exist, nor does the mechanism exist to provide for the special focus provided for and mandated in the title IV Education Act.

Too often, program administrators are inept to become creative and innovative in utilizing the flexibility in planning, developing and administering Federal programs. Consequently, when their ineptness is enhanced by lack of sensitivity, racial discrimination and historical and traditional stereotyping, Federal education programs are used for political expediency and too often reinforce attitudes and traditional approaches as opposed to developing a commitment to and a philosophy of change for improvement of instruction.

These same traditional attitudes often restrict access to other programs and services by Indians because traditionally, the Bureau of Indian Affairs, within the Department of Interior, is viewed as the agency for delivery of service to Indians and such services are not accessible to all Indians and Alaskan Natives.

These advocates who say that Indian eduation programs are no longer needed, we would ask for clarification of the legislative intent in all Federal programs and services which would insure accessibility by all Indians in these other programs.

Such accessability has been insured in the title IV Education Act by a clarification of legislative intent to provide programs and services to all Indians, through a policy of inclusiveness in defining criteria for eligibility which recognizes the diversity of American Indians and Alaskan Natives, and by providing for effective and efficient delivery systems and program administration by Federal direction, local level discretion and maximum local input for localizing programs and services to meet identified needs of the local service area.

No other Federal educational program available to American Indians and Alaskan Natives insures this flexibility and at the same time mandates that they will be served.

The fact that Indians have not had full access to these "other" programs is evidenced in the fact that no Indian programs have been included in the national diffusion network of model and exemplary educational projects, and should the U.S. Congress approve the proposal to phase out the title IV Indian education project, American Indians and Alaskan Natives will not gain access to them. Rather they will regress to the same level of priority in educational circles of the period prior to enactment of the title IV Indian Education Act.

In closing, again I would like to express our appreciation to you, Mr. Chairman, and to the members of this subcommittee, for your continuing interest and high level of support for educational programs and services to American Indians and Alaskan Natives.

Indeed, you have been patient, tolerant, understanding, and indulgent while we have been plagued with many programs and diligently sought the most appropriate method for improving the education of American Indians and Alaskan Natives.

We believe that we are well on the way to realizing improvement and positive project impact, and we seek your continued support and ask for your assistance in opposing either any proposals for rescission of funds or phasing out of title IV Indian education programs, and certainly we seek your strong advocacy and support for reauthorization of this unique Federal initiative which reaches all American Indian and Alaskan Native people, and certainly we look forward to sharing many more exciting and beneficial accomplishments in Indian education in the future.

[The prospectus referred to and statement of Purnell Swett follows:]

PREPARED STATEMENT OF PURNELL SWETT, SUPERINTENDENT, ROBESON COUNTY BOARD OF EDUCATION, LUMBERTON, N.C.

Chairman Kildee and other distinguished members of this subcommittee, I am Purnell Swett, superintendent of the Robeson County Board of Education which serves the largest number of Indian students enrolled in public schools east of the Mississippi and representative of the largest tribal population of non-reservation Indians in the nation. Our school district has appropriately certified and has on file a total of 8,747 of 506 Indian student certification forms, and since 1977, the Robeson County compensatory Indian education project funded by the title IV part A Indian Education Act has averaged providing direct educational and cultural enrichment programs and services annually to 60 percent of the certified Indian students enrolled in our 28 schools. Our school district also has the privilege of having received the second largest grant award for any part A Indian education project in the nation.

Our school district has been privileged to have had the opportunity to present testimony in support of title IV Indian education act programs in the past, and certainly we consider it an honor and privilege to have this opportunity today.

From 1973 until 1975, I served as the senior executive officer for the Office of Indian Education in the former U.S. Department of Health, Education and Welfare. Consequently, I have had an opportunity to observe Indian education programs at work on the national, state and local levels. I am aware of the complexity of designing federal administrative rules and regulations for programs to meet a diversity of special needs and special problems. At the same time, I am well experienced in the many tasks in effectively integrating and coordinating federal educational programs with other local educational programs while mandating full assurances and compliance with federal rules and regulations.

With your permission, I am submitting for the record a prospectus of the Robeson County Indian education project which has been prepared by our project staff. Upon close review of this information, I believe that you will agree that contrary to the many problems of the past, Indian education programs are being appropriately administered and that the public schools are appropriate vehicles for beneficial and effective delivery of special academic and culturally related programs for Indian students. I would also ask your agreement to the fact that given appropriate guidance, flexibility and adequate funding, public school districts can develop data based systems which can be examined for measuring program impact and also have applicability for replication as well as generalization for other educational programs and services for special needs populations.

In addressing the programmatic impact of Indian education programs according to acceptable and standard educational research and measurement practices, our statistics indicate positive programmatic impact in: (1) reducing the daily absentee rate from 5.10 percent in 1973 to 4.82 percent in 1982; (2) reducing the rate of Indian school drop outs from 69.75 percent in 1973 to 60 percent in 1982; (3) increasing the number of Indian students identified as gifted and talented from 38 in 1973 to annual services for 120 Indian students; (4) increasing academic performance as measured by standardized test of first graders from 37.2 percent scoring at or above grade level in 1977 to 62.9 percent scoring at or above grade level in 1982; and (5) reducing the number of Indian students entering directly into the work force from 46 percent in 1973 to 27 percent by encouraging Indian students to pursue postsecondary training and higher education.

Beyond these statistics, we would cite other positive accomplishments of the Robeson County project:

(1) An active 40-member title IV Indian education parent committee which has received and participated in a variety of leadership development activities and which participates to the fullest in educational decision-making regarding title IV Indian education programs and services; and one which has yielded a total of four (4) members who have or who currently serve on the Robeson County Board of Education.

(2) A series of activities involving planning, piloting and demonstration of a culturally relevant multi-media Indian studies curriculum designed within the scope and sequence of the North Carolina State course of study for social studies, which has been broadly disseminated to all regional educational centers within the State for replication in all public schools with a high incidence of Indian student enrollment, and which is currently being submitted for review for inclusion in the national diffusion network of exemplary educational programs.

(3) The informal development of a technical assistance team of experienced staff which participates in a statewide consortium on Indian education to assist other title IV grantees and public school districts in local consultation regarding the project application process, innovative and creative approaches to administering title IV Indian education projects, the sharing and exchange of curricular materials and resources, and the cosponsorship of annual meetings and conferences to title IV parent committees and project staff to develop a statewide and unified effort for the improvement of the education of Indian students enrolled in public schools in North Carolina.

While we are pleased with the progress thus far, we remain concerned about the staggering problems of low academic achievement, rural, social and cultural isolation, the eroding tax base for the support of public education, and increasing rates of unemployment and underemployment which will continue to contribute to social, economic and political deprivation in our community. While progress and programmatic impact are evident, the fact remains that Indian students continue to incur high rates of school drop outs; fail to attend school regularly; comprise the majority of school suspensions and dismissals; are showing improvement in academic performance but at a slower rate and much less than their white counterparts; continue to suffer from racial stereotyping and economic, social and cultural deprivation. These problems are common to Robeson County while Indian students comprise 61 percent of the total student enrollment; Indian professionals comprise 48 percent of the total professional staff; and Indians hold the majority of school board seats on the Robeson County Board of Education.

Within the past year, I recommended to the board and the board approved, the reorganization of Federal educational programs into the Division of Compensatory Education with an assistant superintendent for compensatory education. This division includes chapter I low income programs, title IV Indian education, and migrant education. The purpose of this reorganization was to develop an appropriate administrative structure to organize for miximum utilization of all available resources and

funds, to avoid excessive administrative structures and costs, and to develop a system for coordinating and integrating all Federal support programs for improved programs and services to the largest number of students while ensuring that neither duplication nor supplanting occurred. With this reorganization, the demonstrated success of effective programs and services together with the expertise of project staff have contributed to more effective assessment, planning, coordination and improved delivery of services. While each Federal program maintains its separate identity and legislative mandate, this organization for program administration provides for several options for support programs based on individual needs, interests and abilities and also allows for more flexibility in program planning and development for maximization of all resources. The reorganization has enhanced effective administration while placing Indian education at the same level of priority as all other educational programs and services. Placing an assistant superintendent and this division within the total administrative team for all educational planning ensures that Federal support programs will be effectively integrated into the total educational program. As a matter of fact, a recent evaluation of the fiscal year 1981 Indian education project indicates that the title IV project has been so successfully integrated into the total educational program that students and parents are fully aware of the special programs and services but are unclear of their source of funding and administration. As a public school superintendent, I believe this fact speaks clearly to our commitment and our philosophy of maximizing all available resources for the fullest impact on educational needs and improved programs and services.

Recently, there has been some discussion in advocacy to phasing out Indian education programs because Indians can access other Federal educational programs and services. The advocates of this theory of educational administration confess to an ignorance of culturally relevant factors which must be considered in any effective Indian education program in addition to an ignorance of the fact that pluralism and multi-cultural education exists in theory, not in practice. In response to those who advocate that title IV has increased Indian parental involvement in educational decision-making and that Indian students have accessed schools and school activities to the fullest, we cannot accept their rationale. It is true that Indian students are eligible and do, in fact, participate in other Federal educational programs, but is it also true that the Special educational and culturally related programs and services specifically designed for and by Indians do not exist, nor does the mechanism exist to provide for the special focus provided for and mandated in the title IV Indian Education Act. Too often program administrators are inept to become creative and innovative in utilizing the flexibility in planning, developing and administering Federal programs. Consequently, when their ineptness is enhanced by lack of sensitivity, racial discrimination and historical and traditional stereotyping, Federal educational programs are used for political expediency and to often reinforce attitudes and traditional approaches as opposed to developing a commitment to and a philosophy of change for improvement of instruction. These same traditional attitudes often restrict access to other programs and services by Indians because traditionally the Bureau of Indian Affairs within the Department of Interior is viewed as the agency for delivery of services to Indians and such services are not accessible to all Indians and Alaskan natives. To these advocates who say that Indian education programs are no longer needed, we would ask for clarification of legislative intent in all Federal programs and services which will ensure accessibility by all Indians in these "other" programs. Such accessibility has been ensured in the title IV Indian Education Act by a clarification of legislative intent to provide programs and services to all Indians, through a policy of inclusiveness in defining criteria for eligibility which recognizes the diversity of American Indians and Alaskan natives, and by providing for an effective and efficient delivery systems and program administration by Federal direction, local level discretion and maximum local input for localizing programs and services to meet identified needs of the local service area. No other Federal educational program available to American Indians and Alaskan natives ensures this flexibility and at the same time mandates that they will be served. The fact that Indians have not had full access to these "other" programs is evidenced in the fact that no Indian programs have been included in the national diffusion network of model and exemplary educational projects, and should the United States Congress approve the proposal to phase out the title IV Indian Education Project, American Indians and Alaskan natives will not gain access, rather they will regress to the same level of priority in educational circles of the period prior to enactment of the title IV Indian Education Act.

In closing, again I would like to express our appreciation to you, Mr. Chairman, and to the members of the subcommittee, for your continuing interest and high level of support for educational programs and services to American Indians and

Alaskan natives. Indeed you have been patient, tolerant, understanding and indulgent while we have been plagued with many problems and diligently sought the most appropriate method for improving the education of American Indians and Alaskan natives. We believe that we are on the way to realizing improvement and positive project impact, and we seek your continued support and ask for your assistance in opposing either any proposals and rescession of funds or phasing out of title IV Indian education programs, and certainly we seek your strong advocacy and support for reauthorization of this unique Federal initiative which reaches all American Indian and Alaskan native people, and certainly we look forward to sharing many more exciting and beneficial accomplishments in Indian education in the future.

ROBESON COUNTY BOARD OF EDUCATION, LUMBERTON, N.C.—PROSPECTUS

ROBESON COUNTY COMPENSATORY INDIAN EDUCATION PROJECT

While we recognize the responsibility of states to provide for the education of the people, it is important to state that often repeated unsuccessful attempts and negotiations to obtain federal educational programs and services for Indians in Robeson County, the Department of Interior reported that "limited funds were needed for other Indians who were less civilized than the Indians of Robeson County." In 1885, the State of North Carolina enacted legislation to provide for separate facilities for the education of Indians in Robeson County, and in 1887, established the first institution for the higher education of Indians in the Nation, an institution which is today a part of the North Carolina University System but since 1958 has no longer been designated as an Indian institution. In spite of this historical role of state aid to the education of Indians, some Indian communities did not establish Indian schools until as late as 1956 and no longer exist as Indian schools. Until the Title IV Indian Education Act, no financial assistance for higher education of Indians had been provided and Indians have been excluded from eligibility for minority presence monies in state institutions for higher education. In 1982, the N.C. Legislature appropriated $100,000 for 1 year only during the "pork barrel" session.

Although the State of North Carolina has been progressive in legislative initiatives for the education of Indians; history records these actions as politically expedient and limited in impact, compared with other Indian tribes and groups, the Indians in Robeson County have the highest levels of educational achievement, possess the largest number of college degrees, and have the largest number of trained professionals, however, when these positive factors are compared with the size of the Indian population, 40,000+, the numbers are of little significance and speak to the fact that state support and state commitment to the education of Indians, in spite of a progressive legislative history, has much to accomplish in order to achieve standards of excellence. A philosophical commitment does not ensure the commitment of necessary resources.

With the enactment of the Title IV Indian Education Act in 1972, Robeson County Indians and the Robeson County Board of Education have sought to take full advantage of the opportunities for the improvement of education of Indians made available through this federal initiative.

Since its inception in 1973-74, the Robeson County Compensatory Indian Education Program has consistently ranked as one of the largest funded and best conceived projects in the nation. Funding allocations have progressed from a 1973-74 award of $485,430.90 ($64.67 per pupil) for the system's 7,537 certified Indian students to a current grant award of $1,081,656 ($123.66 per pupil) for the 8,747 Indian students for whom Indian Certification (506) Forms are on file. During this same period, the state and local commitment to the education of Indian children is reflected in their combined 1973-74 per pupil allocation of $668.39 to a fiscal 1981-82 per pupil allocation of over $1,500. Recent educational research studies of compensatory education programs have consistently pointed out that in order for programs to effectively impact the education of children, and especially disadvantaged youth, a larger allocation of local, state, and federal resources is required.

Now, more than any other time in the past, special educational programs and services intended to compensate for a complexity of social, economic, and educational deprivations suffered by the poor, and minorities in particular, must be maintained. The continued persistence of economic deprivation attributable to either absent, non-producing, or marginally producing breadwinners (80 percent of Robeson County residents are classified as economically deprived), the persistence of deeply ingrained and baseless stereotyping, the lack of an "educational tradition" in the home, the social alienation caused by racial discrimination and its accompany-

ing deprivation in housing, employment and education, and the geographical isolation which prevents "full" access to opportunities tend to impact negatively upon those measures by which school success is measured—attendance, dropout rates, grades, standardized test scores, job (career) preparation and success, and participation in school activities. The statistics enclosed demonstrate the extent of the problem in the Robeson County school system as well as document the positive impact federal funds has had upon the education of the system's Indian students. Listed below are a few sample cases extracted from those statistics.

Absenteeism.—In 1973 the daily absentee rate was 5.10 percent; in 1982, this rate had been reduced to 4.82 percent; an improvement which can be directly attributed to Title IV-A sponsored counseling programs, home visitations, after school interest classes, and other special educational programs and activities designed for Indian students.

Promotions/Retentions.—In 1973, 2.09 percent of the population was being retained at grade; in 1982 this percentage had risen to 9.72: a clear indication of the influence of new and alternative approaches to education including accountability, voucher plans, performance appraisal and a host of other conservative reactions to the increasing costs of public education as well as the need to make educational institutions more sensitive, less bureaucratic, discourage professional inbreeding, oust outdated standards, give direction to hesitant leadership, and give meaning and purpose to education for life in a complex and changing society.

Dropouts.—The magnitude of the dropout problem is staggering with the rate for high school students consistently averaging well above 40 percent. In 1973, 69.75 percent of all dropouts among Robeson County youth were Indian. By 1982, and with the intervention of special counseling programs, competency test orientation, career orientation, and other programs this rate has been reduced to 60 percent, meaning that Indians are now leaving school in proportion to their actual representation in the population. However, the annual dropout rate remains at about 10 percent.

Exceptional programs.—In 1973 a mere thirty-eight (38) Indian students were identified and participating in programs for gifted and talented students. Title IV-A instituted a gifted and talented program that has been instrumental in identifying gifted and talented Indian students, providing special summer enrichment programs, and enrolling Indian students in state sponsored educational enrichment programs for gifted and talented students. The project annually works with approximately 120 Indian youth, and in 1982, 126 were participating in gifted and talented classes.

Standardized testing.—Since the system began its annual testing program in 1977 students have made continued progress. Thirty-seven point two (37.2) percent of the first graders were at or above grade level in 1977. By 1982 tutorial programs and other special intervention programs had enabled sixty-two point nine (62.9) percent to score at or above actual grade level. Similar trends hold true for all grades tested (1,2,3,6 and 9). However, longitudinal studies of the same group shows that the effects of educational deprivation tend to become increasingly more acute as the student progresses through the grades. Further, a student who was five months behind at the end of grade three will probably fall even further behind each year, and by the time he reaches grade 10, be scoring as much as two to three years below grade. These test results also reveal that while Indian youth are closing the gap between the national test and the local norm, a wide gap still exists between the scores of Indian students and their white counterparts.

Postsecondary education.—Graduate statistics also reveal that forty-six percent (46%) of the Indian students leaving high school in 1973 went directly into the work force and that by 1982 this figure had dropped to twenty-seven percent (27%). Though improvement has been made, this statistic is alarming when one stops to consider the fact that the rapid proliferation of new career options is making the talents of the average high school graduate obsolete. These data, along with a wealth of other information, indicate that while Title IV Indian Education Act programs have helped to improve the status of Indian youth, most are still ill-prepared to meet the challenges of a rapidly changing society.

In Robeson County, the Title IV, Part A program has been integrated into the organizational structure of the school system. Of fundamental importance has been the coordination of project funds with other programs and community agencies, organizations and institutions to ensure the maximation of available resources and to avoid duplication of services. At the same time, the LEA allowed project staff and the parent advisory committee the flexibility to plan, develop and implement program components based on "community prioritized" needs. The end result has been the emergence of a "model" project which is presently initiating efforts for nomina-

tion by the Department of Education's Joint Diffusion Review Panel for inclusion in the National Diffusion Network which will examine the project's claims of cognitive and effective educational impact and consider the project for national dissemination. Project accomplishments which will be modeled include:

1. Effective participatory educational governance at the local level with special emphasis on parental imput into educational decision-making which has led educators and auditors to regard the local Title IV Indian Education Parent Committee as "The most involved, well informed and effective Parent Committee in the country".

2. An educationally sound approach to integration of culturally relevent and culture-based instruction and approaches within the framework of the regular instructional program while exposing Indian students to the larger culture and society and introducing the contributions of Indians to the American public classroom.

3. Maintenance of cultural identification and reinforcement as part of the total process of education.

4. Planning, piloting and demonstration of effective approaches to meeting the special educational needs unique to American Indian students.

5. Flexibility in programs and services to meet a wide range of special needs as opposed to the limited remedial focus of other educational programs and services for disadvantaged students such as:

(a.) Individual and group counseling which annually serves approximately over 500 of the 6,000 students who have an identified need for these services;

(b.) Tutorial classes which annually serve approximately 400 of the 6,000 plus Indian students with identified needs for tutorial assistance;

(c.) After school classes in crafts, career orientation, and historical research which annually serves only 150-200 of the system's 9,000 Indian youth;

(d.) Test orientation designed to increase test taking skills for increased test scores which annually serves only 80 of the system's Indian students;

(e.) Field/Resource trips to combat rural and cultural isolation which annually serves 5,000 plus of the population;

(f.) Leadership training for youth development and increased awareness of opportunities serving approximately 80-100 students annually;

(g.) Special cultural awareness programs and presentations which reach about 5,000 students each year;

(h.) Home visitations to encourage and foster better home-school communications and increased parental support for approximately 500 students each year;

(i.) Medical and Dental services for 600-plus students out of the 6,000 who have been identified as being in need of dental services and for whom these services are not provided and not available through other agencies or programs;

(j.) Special summer enrichment programs for 300 youth which broaden and enrich students' experiences beyond the regular classroom experience;

(k.) Development and piloting of a multi-media Indian studies curriculum which has integrated into the local social studies curriculum and will be proposed for state adoption for inclusion in the Scope of Study on the N.C. State Department of Public Instruction. This program annually reaches 2,000-plus students and materials have been disseminated to all State Regional Educational Centers and by request to school districts and teacher-training institutions across the nation;

(l.) Transportation for over 5,000 youth to activities and events which they would otherwise not be able to attend.

Historically Indians have been served as separate entities, and in view of economic restraints on state and local educational budgets, attitudes will not be quick to accept extensions of already limited budgets to adequately address a special population. After ten years of categorical programs, minorities will clash and create stressful situations which will greatly negate the progress which has been made. Such integration and fusion will require adequate time for appropriate and cooperative planning and coordination to avoid disruption of successful school programs and services.

Historically Indians have not shared in minority and disadvantaged programs because the Bureau of Indian Affairs is perceived as the delivery agent for all Indians. Those Indians who are ineligible—for Bureau services—off reservation, urban and rural and nonfederally recognized—are grossly neglected and inadequately represented in proportion to their population when forced to compete with these programs. Consequently, competition for financial aid for higher education now available in Part B programs and through other sources would be too keen and non-productive without specific program set-asides or clarifying legislation to ensure eligibility of Indians for programs and services other than BIA.

Access of state delivery systems such as Adult Basic Education and High School Equivalency as provided for by Part C to Indian communities is practically nonexist-

ent, therefore, to expect states to develop new initiatives with less funds is unrealistic.

Title IV Indian Education Act programs as currently administered is an ideal model for ensuring participatory governance and ensures maximum benefits to American Indian and Alaskan Native students and adults without unnecessary levels of administration. The current administrative mode is in keeping with the concept of local decision-making and federal initiatives for the improvement of education, and in this case, fosters creativity and local level innovation in educational decision-making while maximizing opportunities for parental involvement and broad based community support for public education. Direct funding to local educational agencies places legal and financial responsibility at the local level and increases the demand for accountability at the local level while ensuring that the education of Indians receives priority and equitable treatment in total educational planning.

Given an opportunity to continue to demonstrate the ability to help guide and shape educational policy in the larger framework, American Indians and Alaskan Natives can and will maintain and sustain educational advancement.

18-962 O—83——6

Budget and Student Data

NORTH CAROLINA **ROBESON COUNTY** **TITLE IV PART A INDIAN EDUCATION**

Fiscal Year	Amount of Grant Award	Actual Expenditures	Indian Student Enrollment OCR Report	Title IV Student Census	Title IV Per Pupil Expenditure	State/Local Per Pupil Expenditure
1973-1974	$487,430.99	$484,416.88	7701	7537	$ 64.27	$ 668.39
1974-1975	641,448.27	641,448.27	7863	7701	83.29	768.30
1975-1976	548,063.39	543,452.32	7898	7863	69.11	799.50
1976-1977	670,086.32	592,222.50	7997	7916	74.81	854.81
1977-1978	722,927.16	721,990.01	8218	7970	90.59	996.77
1978-1979	652,984.15	652,586.57	8008	7815	83.50	1095.89
1979-1980	748,257.74	720,681.22	8786	7815	92.74	1277.90
1980-1981	936,337.00	927,174.50	8752	8507	110.07	1095.89
1981-1982	1,176,765.00	1,113,801.96	8778	8726	127.64	1484.24
1982-1983	1,081,656.00	NA	8787	8747	123.66	NA
*1983-1984	658,637.00	NA	9050	8887	74.11	NA

*Budget submitted with proposal based on 40% cut

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Figure 1: Membership

YEAR	TOTAL ENROLLMENT	NUMBER INDIAN	PERCENT INDIAN	NUMBER N.P.	PERCENT N.P.
1973 - 1974	13,406	7,871	58.71	415	3.09
1974 - 1975	13,525	7,865	58.12	478	3.53
1975 - 1976	13,670	7,913	57.79	460	3.37
1976 - 1977	13,738	7,616	55.43	615	4.48
1977 - 1978	13,722	8,216	59.89	927	6.76
1978 - 1979	13,310	8,008	59.28	1373	10.16
1979 - 1980	13,055	8,786	58.45	1279	9.51
1980 - 1981	14,441	8,752	60.01	1378	9.34
1981 - 1982	14,470	8,778	60.66	1037	7.20
1982 - 1983	14, 406	8,787	61.00	1400	9.72

Note: 1982 - 1983 totals are estimates

Figure 2: Absenteeism

YEAR	ADM	ADA	NUMBER ABSENTEES	PERCENT ABSENTEEISM
1973 - 1974	12,985	12,322	663	5.10
1974 - 1975	13,231	12,515	716	5.41
1975 - 1976	13,314	12,616	698	5.25
1976 - 1977	13,349	12,624	725	5.43
1978 - 1979	13,063	12,351	712	5.45
1979 - 1980	14,577	13,835	742	5.10
1980 - 1981	14,428	13,697	731	5.07
1981 - 1982	14,431	13,736	695	4.82
1982 - 1983				

Note: 1982 - 1983 are projected figures

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Figure 3: Drop-Outs

YEAR	HIGH SCHOOL D/O RATE(EST.	TOTAL # D/O	NUMBER INDIAN	PERCENT OF D/O WHO ARE INDIAN
1973 -1974	10.-	200		
1974 - 1975	10.6	256		
1975 - 1976	7.9	327		
1976 - 1977	8.3	275		
1977 - 1978	9.1.	430		
1978 - 1979	8.9	238	166	69.75
1979 - 1980	9.3	366	259	70.77
1980 - 1981	9.3	295	185	62.71
1981 - 1982	9.-	300	190	63.00
1982 - 1983				

NOTE: 1982 - 1983 totals are estimates

Figure 4: Exceptional Programs

YEAR	RETARDATION	PHYSICAL IMPAIRED	GIFTED & TALENTED
1973 - 1974	560	31	38
1974 - 1975	782	167	39
1975 - 1976	805	100	0
1976 - 1977	704	307	0
1977 - 1978	822	614	122
1978 - 1979	956	680	139
1979 - 1980	903	906	104
1980 - 1981	926	924	113
1981 - 1982	941	936	126
1982 - 1983			

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INDIAN PARENT FACT SHEET

ITEM	SYSTEM	REGION	STATE
NUMBER PARENTS WITH 8TH GRADE EDUCATION OR LESS-READING	111	535	3,06
% PARENTS WITH 8TH GRADE EDUCATION OR LESS-READING	.04	.17	10
NUMBER PARENTS COMPLETED 8TH GRADE BUT NOT HIGH SCHOOL-READING	275	1,836	14.3
% PARENTS COMPLETED 8TH GRADE BUT NOT HIGH SCHOOL-READING	.02	.13	10
NUMBER PARENTS FINISHED HIGH SCHOOL-READING	294	4,367	27,41
% PARENTS FINISHED HIGH SCHOOL-READING	.01	.13	10
NUMBER PARENTS WITH EDUCATION AFTER HIGH SCHOOL-READING	119	2,284	22,31
% PARENTS WITH EDUCATION AFTER HIGH SCHOOL-READING	.005	.102	10
NUMBER PARENTS WITH 8TH GRADE EDUCATION OR LESS-MATH	113	535	3,06
% PARENTS WITH 8TH GRADE EDUCATION OR LESS-MATH	.04	.17	10
NUMBER PARENTS COMPLETED 8TH GRADE BUT NOT HIGH SCHOOL-MATH	276	1,837	14,3
% PARENTS COMPLETED 8TH GRADE BUT NOT HIGH SCHOOL-MATH	.02	.13	100
NUMBER PARENTS FINISHED HIGH SCHOOL-MATH	296	4,362	27,41
% PARENTS FINISHED HIGH SCHOOL-MATH	.01	.13	100
NUMBER PARENTS WITH EDUCATION AFTER HIGH SCHOOL-MATH	119	2,277	22,31
% PARENTS WITH EDUCATION AFTER HIGH SCHOOL-MATH	.005	.10	100
NUMBER OF HANDICAPPED STUDENTS-READING	56	500	5,07
% OF HANDICAPPED STUDENTS-READING	.01	.09	100
NUMBER OF HANDICAPPED STUDENTS-MATH	62	490	5,07
% OF HANDICAPPED STUDENTS-MATH	.01	.09	100

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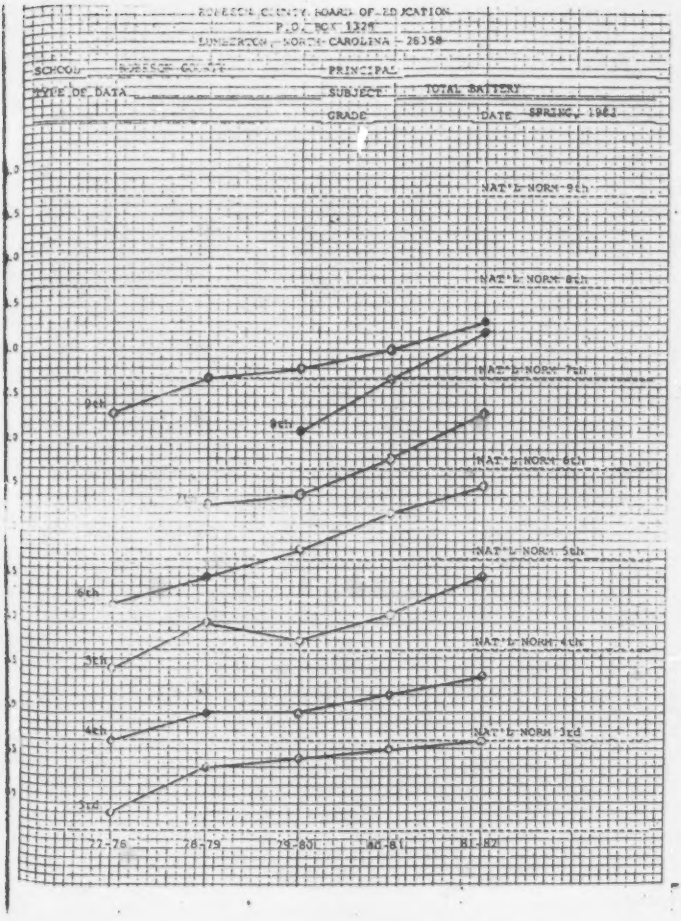

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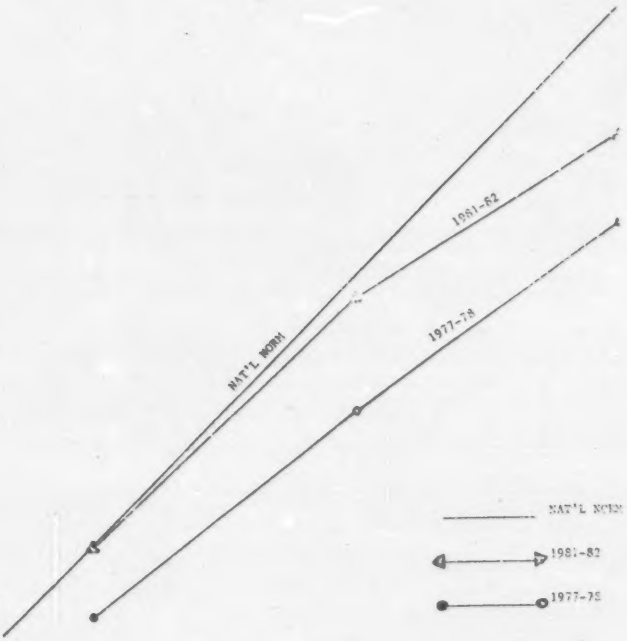
P.O. Box 1358
LEXINGTON, SOUTH CAROLINA 29338

[illegible] COUNTY ____ GRADE ____ SUBJECT [illegible]

OF DATA ____ DATE JUNE, 1983



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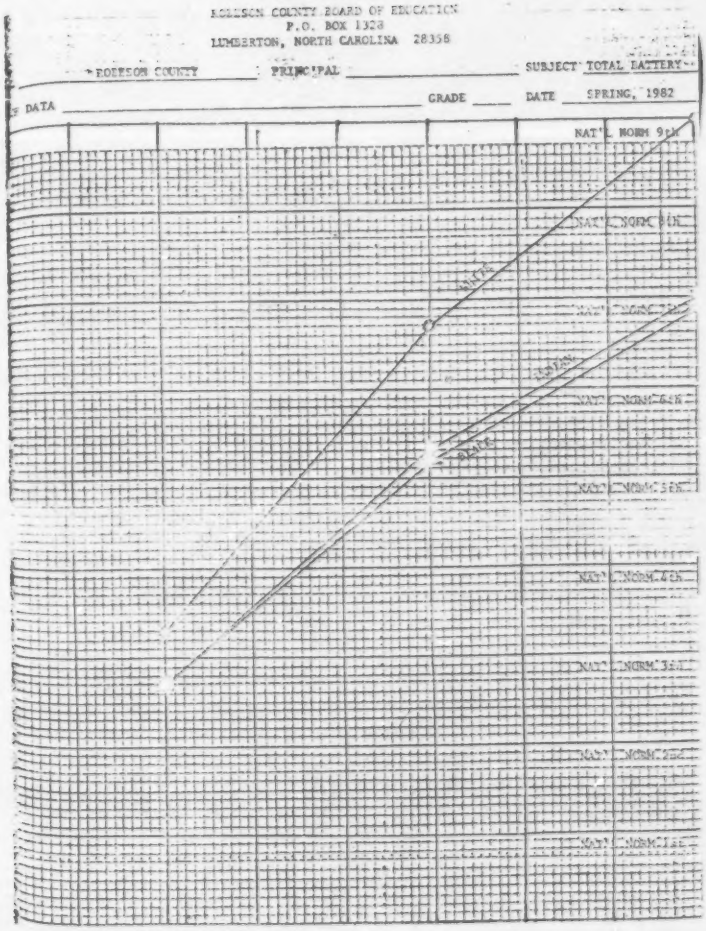

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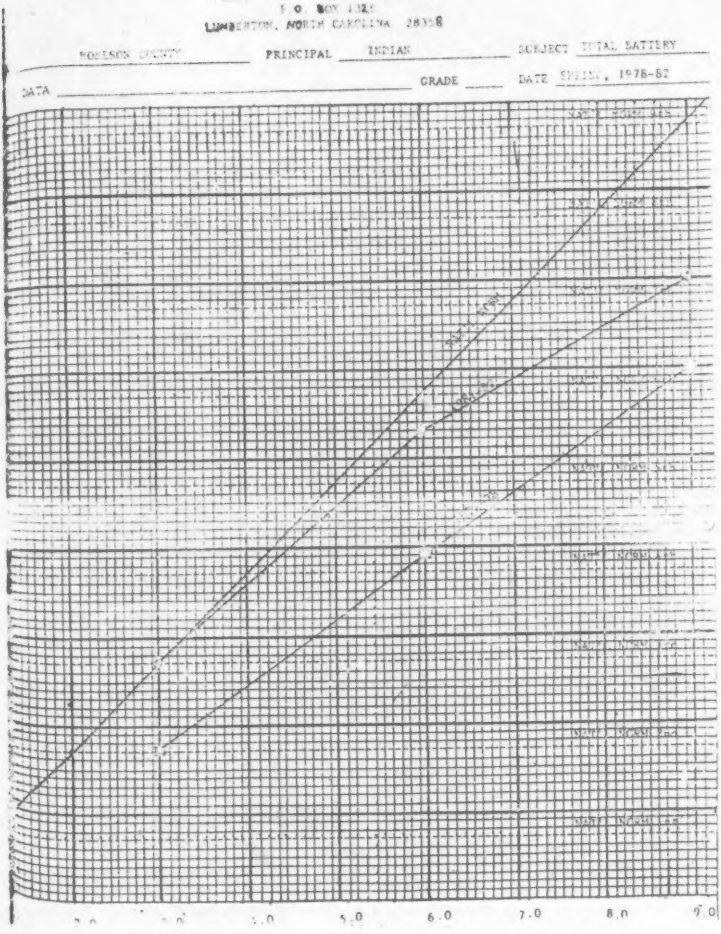

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TESTING AND RESEARCH DEPARTMENT

Robeson County Board of Education

P. O. Box 1328

Lumberton, North Carolina 28358

RE: ROBESON COUNTY SYSTEM SUBJECT TOTAL TEST BATTERY

TYPE OF DATA PERCENT OF STUDENTS AT/OR ABOVE GRADE LEVEL

		1977-78			1978-79			1979-80			1980-81			1981-82		
ACTUAL GRADE PLACEMENT		NO. TESTED	NO. AT/OR ABOVE GRADE LEVEL	% AT/OR ABOVE GRADE LEVEL	NO. TESTED	NO. AT/OR ABOVE GRADE LEVEL	% AT/OR ABOVE GRADE LEVEL	NO. TESTED	NO. AT/OR ABOVE GRADE LEVEL	% AT/OR ABOVE GRADE LEVEL	NO. TESTED	NO. AT/OR ABOVE GRADE LEVEL	% AT/OR ABOVE GRADE LEVEL	NO. TESTED	NO. AT/OR ABOVE GRADE LEVEL	% AT/OR ABOVE GRADE LEVEL
Longitudinal										Cross Comparisons						
1.7	R	1252	477	37.9	1311	555	42.3	1276	524	41.1	1220	642	52.6	1179	742	62.9
	M	1251	721	57.9	1311	867	66.1	1276	787	61.7	1220	910	74.7	1179	997	[illegible]
2.7	R	1218	398	35.9	1238	581	47.5	1327	528	39.8	1244	501	40.2	1188	666	56.3
	M	1136	527	46.3	1238	868	70.1	1327	903	68.0	1244	892	71.7	1188	889	74.8
3.7		987	216	21.9	1108	376	34.0	1160	444	38.2	1296	524	40.4	1185	596	50.3
4.7		749	136	18.1	939	253	26.9	1095	317	29.0	1168	361	30.9	1259	454	36.2
5.7		694	186	26.9	960	340	35.4	1052	323	30.8	1070	353	32.9	1114	470	42.2
6.7		1108	252	22.8	1029	286	27.8	1170	387	33.1	1057	388	36.7	1132	479	42.3
7.7					802	202	25.1	1050	346	33.0	1082	432	37.9	1397	617	44.2
8.7								1001	288	28.8	1035	347	33.5	1424	612	43.0
9.7		1088	224	20.6	1221	289	23.7	1018	272	26.8	1139	312	27.3	1546	573	37.1
10.7																
11.7																
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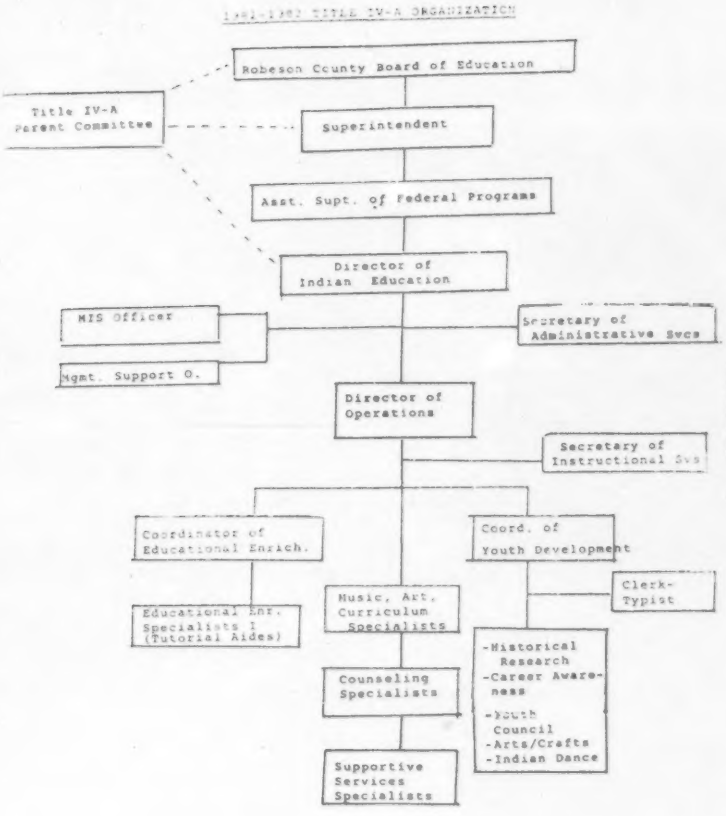

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STUDENT TURNOVER RATE

NOTE: Data taken from Principals' Annual Reports

STR = Student Turnover Rate
Σ = Sum
R^2 = Enrollees from another unit (in state)
R^3 = Enrollees from another state
W = Withdrawals
R^1 = Enrollees from another room in same school
R^2 = Enrollees from another school in unit.

1979-1980

$STR = (\Sigma R^2 + R^3) \div (\Sigma W - [R^1 + \Sigma R^2])$
STR = (184 + 551) ÷ (1480 - [469])
STR = 735 ÷ 1011
STR = 1746 (Indian Students represent 60% of Total 1047)

1980 - 1981

$STR = (\Sigma R^2 + R^3) + (\Sigma W - \Sigma R^1 + R^2)$
STR = (153 + 478) + (1416 - 461)
STR = 631 + 955
STR = 1586 (Indian Students represent 60% of Total 951)

1981 - 1982

Estimated STR = 1500 Total (Indian students represent 60% of total [900])

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1. School name, grades, and number of students in all schools served by project (1981-82).
NOTE: Put an asterisk (*) next to the name of any private (non-public) schools). (USE ADDITIONAL PAGES AS NEEDED)

School Name	Grades	No. of Indian students	No. of students	No. of Indian teachers and guidance counselors	Total No. of teachers and guidance counselors
1. Bear Branch	K-6	344	447	14	21
2. East Robeson	K-3	142	502	6	22
3. Fairgrove	4-8	315	499	14	28
4. Pine Grove	K-3	211	339	7	17
5. Littlefield	7-12	138	681	10	34
6. Long Branch	K-6	91	415	4	21
7. Magnolia	K-12	633	903	35	53
8. Maxton High	9-12	141	401	4	27
9. Orum	7-12	111	664	3	36
10. Greendale	K-8	313	337	13	18
11. Yorkton	K-12	522	588	8	29
12. Pembroke Elementary	K-6	969	1046	21	33
13. Pembroke Junior High	8-9	551	610	29	35
14. Pembroke Middle	7	270	350	11	15
15. Pembroke Senior High	10-12	643	831	25	48
16. Piney Grove	K-8	241	486	14	21
17. Pittsburgh	K-6	34	335	5	19
18. Prospect	K-12	919	1057	45	52
19. R.B. Deese	K-8	246	614	10	35
20. Rex-Prospect	K-8	225	355	11	17
21. Rowland Middle	6-8	94	253	7	15
22. Smith (Alfamax)	4-6	102	292	5	17
23. Smith Lakeview	9-12	301	654	16	38
24. Southside Redbrook	K-5	245	450	18	30
25. Townsend Middle	5-8	152	437	5	24
26. Union Chapel	K-6	404	444	15	22
27. Union Elementary	K-6	341	460	15	21
28.					
29.					
30.					
		8354	14590	291	992
			47	Extended Day	
			14617		

ADP Units Code | Count

OI-4

68

94

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NATIONAL IMPACT EVALUATION: TITLE IV PART A
INDIAN EDUCATION PROGRAM

PROJECT: (LEA/S) [illegible]

SUBJECT: Response of Parents to Questions Regarding
Indian Education and the Indian Education Project

During the school year 1981-1982, your Indian Education program was visited by a data collection team from Development Associates as one of 115 projects included in a nationwide impact evaluation of the Title IV-A program. As part of this effort, Development Associates is sending back to each project a variety of information gathered from school staff, Indian education project staff, students, and parents in the school district. In this memo, the responses of parents of Indian students in your school district are summarized.

Procedures Used to Collect Data from Parents:
In each project, a group of Title IV eligible Indian or Alaska Native students was selected to fill out a questionnaire. The parents of a sample of the students who filled out the questionnaires were interviewed. The number selected depended on the size of the Indian student population in the district. Parents in your district were asked a variety of questions about Indian education and your Indian education project in your district.

Results
The results of the interviews with parents in your district are summarized in Table 1. For each question, the number of parents answering is reported. (Not all parents answered each question -- some responded "don't know", "no opinion", etc., and those responses were excluded from the results reported to you). The breakdown of the answers to each question is reported as a percentage. Thus, if 10 parents answered a particular question and 6 parents said "Yes", the percentage reported would be "60%" who answered "Yes".

If you have any further questions about this data, please call Bob Russell at Development Associates (703 979-0100) or write him at: Development Associates, 2924 Columbia Pike, Arlington, VA, 22204.

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Project No. LEA 19

TABLE 1.

RESPONSES MADE BY PARENTS
REGARDING
INDIAN EDUCATION AND THE INDIAN
EDUCATION PROJECT

Question 4b. How much has the Indian education project helped your child to.....

	Not at all	A little	Some	A great deal	Number of parents who answered question
Get better grades	0.0 %	26.3 %	63.2 %	10.5 %	19
Attend school more often	14.3 %	42.6 %	32.1 %	0.0 %	21
Become more interested in school	0.0 %	45.0 %	45.0 %	10.0 %	20
Have a better attitude about school	0.0 %	50.0 %	35.0 %	15.0 %	20
Learn better study habits	5.6 %	61.1 %	33.3 %	0.0 %	18
Get extra help in school	10.0 %	30.0 %	60.0 %	0.0 %	20
Take part in Indian classes and activities	5.0 %	20.0 %	45.0 %	30.0 %	20

Question 5c. Has the Indian education project helped you to.....

	Number of Parents who Answered Question	Percent who said "Yes"
Learn more about the schools	22	86.4 %
Become more aware of what your children are getting or doing in school	22	100.0 %
Become more aware of the educational needs of your children	22	95.5 %
Become more involved in your childrens' education	22	90.9 %

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Project No. LEA 19

	Number of Parents who Answered Question	Percent who said "Yes"
Q.8a. Do you believe schools have the responsibility to teach Indian history?	16	81.3 %
Q.8b. Do you believe schools have the responsibility to provide culturally related instruction?	16	81.3 %
Q. 9. Do you know the kinds of Indian related topics being taught by the Indian education project?	16	31.3 %
Q.10. Is anything not presently taught about Indian history, culture, crafts, or language which should be taught?	16	0.0 %

Q.12. How well do you think the Indian education project is meeting the cultural needs of the Indian students? (Number answering = 12)

Not at all 0.0 % Not very well 0.0 % About average 23.5 % Fairly well 47.1 % Very well 29.4 %

Q.13. How sensitive are the following individuals in your child's school to Indian students in general?

	Generally Insensitive	Don't care one way or the other	Generally Sensitive	Number of Parents who Answered Question
Principals	21.1 %	10.5 %	68.4 %	19
Teachers	10.0 %	10.0 %	80.0 %	20
Counselers	6.3 %	18.8 %	75.0 %	16
Other school staff	0.0 %	21.4 %	78.6 %	14

Q.16 How satisfied are you that the Indian education project is doing its job? (Number answering 21).

Not Satisfied 0.0 % Have mixed feelings 0.0 % Satisfied 42.9 % Very Satisfied 57.1 %

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NATIONAL IMPACT EVALUATION: TITLE IV PART A
INDIAN EDUCATION PROGRAM

PROJECT: [illegible]

SUBJECT: Responses of Teachers to Questions Regarding Indian Education and the Indian Education Project

During the school year 1981-1982, your Indian Education program was visited by a data collection team from Development Associates as one of 115 projects included in a nationwide impact evaluation of the Title IV-A program. As part of this effort, Development Associates is sending back to each project a variety of information gathered from school staff, Indian education project staff, students, and parents in the school district. In this memo, the responses of teachers of Indian students in your school district are summarized.

Procedures Used to Collect Data From Teachers:

In each project, a group of Title IV eligible Indian or Alaska Native students filled out questionnaires. From each school attended by students filling out questionnaires, one to three teachers were asked to fill out questionnaires containing questions about Indian education and the Indian education project. Teachers who filled out the questionnaires all had taught in the district for at least the previous two school years and had at least two eligible Title IV students in their classes.

Results:

The results from the teacher questionnaires in your district are summarized in Table 2. For each question, the number of teachers answering is reported. (Not all teachers answered each question -- some responded "don't know", no opinion", etc., and these responses were excluded from the results reported to you). The breakdown of these answers is reported as a percentage. Thus, if 10 teachers answered to a particular question and 6 teachers said "Yes", the percentage reported would be "60%" who answered "Yes".

If you have any further questions about these data, plese call Bob Rusell at Development Associates (703 979-0100) or write him at: Development Associates, 2924 Columbia Pike, Arlington, VA, 22204

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Project No. LEA/9

TABLE 2

RESPONSES MADE BY TEACHERS
REGARDING
INDIAN EDUCATION AND
THE INDIAN EDUCATION PROJECT

	Number of Teachers who Answered Question	Percent of who Said "Yes"
Q.5. Over the past three years, have you made changes in your teaching approach to accomodate Indian children?	30	40.0 %
Q.6. Over the past three years, have you made changes in YOUR curriculum to better reflect Indian history and cultural heritage?	30	50.0 %
Q.7. Do you use or have you used the materials developed or provided by Indian education project?	30	66.7 %
Q.10. Should Indian students be taught Indian culture, heritage, history, or related topics?	30	90.0 %

Q.8. How important is it for Indian students to participate in activities pertaining to their cultural heritage? (Number answering 33).

Not Important	Slightly Important	Moderately Important	Very Important
0.0 %	3.0 %	36.4 %	60.6 %

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Project No. LEA 19

Q.12. How much has the Indian education project helped Indian students?

	Not at All	A little	Some	A Great Deal	Number of Teachers who Answered Question
a. Attend school more regularly	8.3 %	12.5 %	66.7 %	12.5 %	24
b. Be more interested in their education	6.7 %	10.0 %	53.3 %	30.0 %	30
c. Participate more in class	6.7 %	20.0 %	53.3 %	20.0 %	30
d. Improve their reading skills	3.8 %	15.4 %	42.3 %	38.5 %	26
e. Improve their language arts skills	3.8 %	19.2 %	42.3 %	34.6 %	26
f. Improve their mathematics skills	8.3 %	16.7 %	41.7 %	33.3 %	24
g. Improve their grades	3.8 %	11.5 %	53.8 %	30.8 %	26
h. Improve their relationships with other Indian students	3.6 %	14.3 %	39.3 %	42.9 %	28
i. Improve their relationships with non-Indian students	8.0 %	12.0 %	60.0 %	20.0 %	25
j. Improve their relationships with teachers	3.7 %	22.2 %	48.1 %	25.9 %	27
k. Improve their knowledge of educational opportunities after high school	3.8 %	7.7 %	30.8 %	57.7 %	26
l. Feel better about themselves	3.3 %	3.3 %	30.0 %	63.3 %	30
m. Stay in school instead of dropping out	12.0 %	8.0 %	40.0 %	40.0 %	25

Q.13. How much do you believe the Indian eduation project is benefitting the Indian students in this school? (Number answering 33).

None 3.0 % A little 9.1 % Some 39.4 % A Great Deal 48.5 %

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Mr. KILDEE. Thank you, Dr. Swett.
Our next witness is Dr. Robert Swan.

STATEMENT OF ROBERT SWAN, DIRECTOR, TRIBAL EDUCATION DEPARTMENT, FORT BELKNAP COMMUNITY COUNCIL, FORT BELKNAP AGENCY, MONT.

Mr. SWAN. Good morning, Mr. Chairman, and members of the House Committee on Education and Labor. My name is Dr. Robert Swan, executive director of the Fort Belknap Tribal Education Department, Fort Belknap Indian Community, Harlem, Mont.

First, I would like to thank the House Committee on Education and Labor for inviting me here today to share with you some of the achievements in Indian education that have taken place as a result of the Indian Education Act.

I have written testimony today that I would like to submit for the record and I would like to summarize that testimony at this time.

Mr. KILDEE. Without objection, your written testimony will be included in the record.

Mr. SWAN. Thank you.

I have entitled my testimony today "A Decade of Changes—The Amazing 1970's in Indian Education as a Direct Result of the Indian Education Act."

I would like to review the progress of Indian education made during the past 11 years and focus my testimony upon the 1970's. I believe that once you have reviewed the achievements of the 1970's, you will come to the same conclusion that I came to nearly 2 years ago, that the 1970's was truly a decade of change for the American Indian, educationally, culturally, economically, and politically.

Hopefully, you will also see that even though we have gained more in the past 11 years than any other period in history, we still have a long way to go.

In fact, the achievements in Indian education under the Indian Education Act have far surpassed the achievements made in Indian education during the previous 400 years of this country when Indian education was under State, church, and Federal control.

I would like to begin my testimony today by quoting from the Seventh Annual Report to the Congress of the United States, a report published by the National Advisory Council on Indian Education in June of 1980.

The report is entitled "Education for Indian Survival as a People, a Goal for the 1980's." This quote is from a letter that I wrote in June of 1980 when I was chairman of NACIE. Along with Greg Frazier and other members of the council, I, too, was terminated on November 2, 1982.

This quote reads: "As the decade of the 1970's comes to a close, Indian people and Alaskan Natives can look back and reflect upon the numerous achievements made during the self-determination period of this past decade. The National Advisory Council on Indian Education, along with other national, regional, and local Indian organizations and tribes entered a new spirit of cooperation with the U.S. Congress. The 1970's, as pointed out by many Indian

leaders, can be declared as the most important decade for Indian people in terms of legislation, appropriations, and commitments from the U.S. Congress, not only in Indian education, but in all areas of government that provide services to Indian people. New legislation and increased appropriations made it possible for Indian people to begin planning our own educational programs, set educational priorities, and to commence to meet our own educational needs, which historically have been neglected by the Federal Government."

As we enter the third period of the 1980's, Indian education may be set back 40 years. This conclusion is based upon the administration's fiscal year 1983 rescission request and fiscal year 1984 termination of title IV, request of the U.S. Congress for title IV of the Indian Education Act of 1972.

Because of the administration's fiscal year 1983 and 1982 budget requests, I have included in my written testimony a history of the Indian Education period and that can be reviewed by the committee.

Mr. Chairman, I am utterly astonished when every year for the past four years for this committee that you have requested information from the U.S. Department of Education concerning the achievements, the successes, failures, and problems under the IEA. Yet the U.S. Department of Education cannot provide data to this committee about the Indian Education Act.

Data on the achievement and needs of the Indian education can be found in the following documents: Number 1, title IV, part B Impact Evaluation Study; number 2, the title IV, part C Impact Evaluation Study; number 3, title IV, part A, Preliminary Impact Evaluation Report; number 4, Eight Annual Reports of the National Advisory Council on Indian Education; five, National Indian and Adult Education Needs Assessment that Mr. Phil Martin provided to the committee this morning; six, the Annual Reports of part A, B, and C projects; seven, Annual Evaluation Reports of Part A, B, and C projects; and eight, other needs assessments, studies, and reports conducted in the 1970's concerning Indian education.

With the computer technology available today, I am surprised that the U.S. Department of Education cannot forward data concerning the Indian Education Act to this body. I would like to highlight a few achievements in Montana and the Great Plains area on Indian education.

In my testimony, I have alluded to all parts of the act but I would like to point out to the committee that at the University of South Dakota, under the EPD project, for example, between 1972 and 1982, they have trained over 200 Indian educators at the masters degree level and 23 people at the doctorate level in special education, administration, higher education, et cetera.

The Montana State University at Bozeman, Mont., trained over 50 Indian educators in the same aforementioned areas. Even though we have trained this number of people in South Dakota and Montana, we still have a long way to go.

For example, we only have two Indian school superintendents in the State of Montana for over 30 Indian schools. Elimination of the Indian Education Act would affect the Fort Belknap Reservation in the following ways: Number one, 22½ positions would be abol-

ished; number two, services to over 900 Indian children would be greatly curtailed; number three, adult educational services to over 750 Indian adults would be eliminated on the Fort Belknap Reservation.

At this time, I would like to address recommendations for the Indian Education Act. These recommendations were adopted by the Montana Indian Education Board of Directors on February 14, 1983, in Great Falls, Mont.

There are 11 recommendations. Number one, the Indian Education Act should be funded at no less than the fiscal year 1981 level in fiscal year 1984.

No. two, the U.S. Congress should provide a fiscal year 1983 supplement for the Indian Education Act equal to the fiscal year 1981 level.

No. three, a 12 percent annual increase of the preceding fiscal year appropriation level is needed each year to maintain quality educational services for Indian children and adults.

No. four, Public Law 92-318 should be reauthorized for a minimum of 5 years.

No. five, H.R. 11 should be amended to include the extension of all programs under the Indian Education Act until 1989.

No. six, adult educational service programs should be expanded and adequately funded in the future.

No. seven, certification form requirements, the 506 form, should be less restrictive so that services can be provided to all eligible Indian students.

No. eight, schools should be allowed to transfer 506 eligibility forms to another school when a student transfers.

No. nine, part A pupil expenditures should be comparable to chapter I expenditures.

No. 10, the National Advisory Council on Indian Education should be continued and funded commensurate to the need. Tribal input should be required in the selection of NACIE members and that all NACIE appointments have a background in Indian education. Futhermore, a minimum of one member in NACIE should be an Indian educator from the State of Montana and the current NACIE Executive Director should be retained.

No. 11, a minimum of three EPD projects are needed in the State of Montana to meet our requirements for training in the 1980's.

Mr. Chairman, and other members of the committee, Indian people do not want to return to the 1930's. Our successes and achievements in the 1970's are attributed largely to the Indian Education Act of 1972. We have come a long way during the past 11 years.

To terminate the Indian Education Act of 1972 would be the greatest injustice placed upon the American Indian since the genocide period of the 1800's and the termination period of the 1950's.

In conclusion, it seems ironic that the present administration renewed its commitment to Indian people less than 1 month ago, yet here we are today, fighting to retain what little we have in Indian education 1 month later.

Thank you.

[Prepared statement of Robert Swan follows:]

PREPARED STATEMENT OF DR. ROBERT J. SWAN, EXECUTIVE DIRECTOR, FORT BELKNAP TRIBAL EDUCATIONAL DEPARTMENT, FORT BELKNAP COMMUNITY COUNCIL, HARLEM, MONT.

Good morning Mr. Chairman and members of the House Committee on Education and Labor. My name is Dr. Robert J. Swan, the Executive Director of the Fort Belknap Tribal Education Department, Fort Belknap Indian Community, Harlem, Montana. As requested by the House Committee on Education and Labor, I will present testimony today regarding Public Law 92-318 as amended, The Indian Education Act (IEA), Title IV.

First, I would like to thank the House Committee on Education and Labor for inviting me here today to share with you some of the achievements in Indian education that have taken place since the Indian Education Act was enacted into law 11 years ago.

I have entitled my testimony, "A Decade of Changes—The Amazing 70's in Indian Education as a Direct Result of the Indian Education Act". I would like to review the progress of Indian Education made during the past eleven years and focus my testimony upon the 1970's. I believe that once you have reviewed the achievements of the 1970's, you will come to the same conclusion that I came to nearly 2 years ago—that the 1970's was truly a decade of change for the American indian, educationally, culturally, economically, and politically. Hopefully, you will also see that even though we have gained more in the past 11 years than any other period in history, we still have a long way to go. In fact, the achievements in Indian Education under the Indian Education Act have far surpassed the achievements made in Indian Education during the previous 400 years of this country when Indian Education was under state, church, and federal control.

I would like to begin my testimony by quoting from the Seventh Annual Report to The Congress of the United States, a report published by the National Advisory Council on Indian Education in June of 1980. The report is entitled, "Education for Indian Survival as a People, a Goal for the 1980's." This quote is from a letter I wrote in June of 1980 when I was Chairman of the National Advisory Council on Indian Education. The letter is addressed to the Congress of the United States.

"As the decade of the 70's comes to a close, Indian people and Alaskan Natives can look back and reflect upon the numerous achievements made during the self-determination period of this past decade. The National Advisory Council on Indian Education along with other national, regional, and local Indian organizations and tribes entered a new spirit of cooperation with the U.S. Congress. The 70's, as pointed out by many Indian leaders, can be declared as the most important decade for Indian people in terms of legislation, appropriations, and commitments from the U.S. Congress, not only in Indian Education, but in all areas of government that provide services to Indian people. New legislation and increased appropriations made it possible for Indian people to begin planning our own educational programs, set educational priorities, and to commence to meet our own educational needs which historically have been neglected by the federal government."

As we enter the third year of the 1980's, Indian Education may be set back 40 years. This conclusion is based upon the Administration's fiscal year 1983 rescission request and fiscal year 1984 termination of Title IV request to the U.S. Congress for Title IV, the Indian Education Act of 1972. Because of the Administration's fiscal year 1983 and fiscal year 1984 budget requests, I believe it would be appropriate to present briefly the history of Indian Education to refresh your memories on how far Indian Education has come since 1492.

Indian Education did not start in 1492 or 1528 as most reference and history books treat the history of Indian Education. Before Columbus and even after Columbus came to North America, the educational system for Indians was not institutionalized, but differed from tribe to tribe. The educational system for Americans Indians was dissimiliar to the European system of teachers, text books, libraries, and now computers. Instead, each tribe had their own system of education. For some tribes, the role of education was placed in the hands of the elders, the grandparents, the aunts, the uncles, the clans, the spiritual or traditional leaders, etc. Each tribe differed from one another; each had its own unique system of education. Native American education was transmitted by oral tradition—by the telling of stories and legends containing identifiable cultural and historical information. Furthermore, the majority of Indian culture was passed down from generation to generation through the practice and the participation in cultural events, not through sitting in classrooms.

I feel it is important for the Administration and the U.S. Congress to become familiar once again with the history of Indians Education. When we arrive at the

"Amazing Decade of the 70's" you will see the difference in attitudes from the first period through the contemporary period. One thing to keep in mind is that the overall policy of the United States was to rid the American Indians of his land, water, resources, and culture.

Briefly, the written history of Indian Education started with the first period being known as "The Mission Period." The first school for Indians was established in Havana, Cuba in 1568. The French, English and Spanish had a major influence during the Mission Period. Williams and Mary, Harvard, and Dartmouth were created for the education of Indians students during this period.

The second period is known as the "Treaty Period." Starting with the first treaty in 1778 with the Delawares, education was included as part of the treaty and trust responsibility of the U.S. Government. From the inception of the federal government in 1789 to 1850, the United States negotiated and ratified 245 treaties with Indian tribes. During this period the U.S. Goverment acquired over 450 Million acres of land for less than 90 Million.

The third period started in 1887 and is known as the "Allotment Period" or "Dawes Act Period." During the 46 years that the Allotment Period was in effect, ther U.S. Government succeeded in reducing the Indian land base from 140 million acres to approximately 54 million acres of the least desirable land in the country today. Now we are finding out that this least desirable land is rich in natural resources, such as oil, gas, uranium, water, and timber.

The fourth period, the "Merriam Report Period", occurred when the first major comprehensive study was written about Indian Education. The Merriam Report brought into relief the deficiency of Indian Education and set the precedence for the fifth period.

The fifth period is called the "Indians Reorganization Act Period" or the "Howard Wheeler Act Period" which brought about the Johnson-O'Malley Program. Most Indian scholars will point out that Indian Education in the 30's relates closely to what happened in the 1970's. Achievements in Indian Education in the 1930's however, did not succeed because of the Depression and the economical conditions in this country. It appears that 40 years later, Indian people are faced once again with the problems we encountered in the late 1930's.

The sixth period is the "WORLD WAR II PERIOD" or a period of retrogression. This was a period when Indian Education disgressed to the pre-Merriam Report Period.

The seventh period was a sad era for American Indians. This period is known as the "Termination Period" because in 1953 the U.S. Congress passed House Concurrent Resolution 108 (Termination Bill) and Public Law 280 (allowing some states to have jurisidiction on Indians reservations).

We finally arrive at the eighth period, the "Self-Determination Period" from the late 1960's through 1980. I believe we are now entering a ninth period which I will discuss briefly at the conclusion of my testimony. I have termed this period we are in presently as "A Period of Survival." But for the next few moments, I would like to discuss the eighth period which is the reason for this testimony.

In 1964 President Johnson started the "War on Poverty with the Great Society." Along with the War on Poverty came the Office of Economic Opportunity. Through that office, there were many changes that occurred on Indian reservations. For example, Head Start, Legal Services, Job Corps, Indian Community Action Programs, and many others were all established. I believe if you trace the beginning of the Self-Determination Act, you will find that it come about with the Great Society, the Civil Rights Act of 1965, OEO, etc.

In 1965 the U.S. Congress passed the Elementary and Secondary Education Act. Title I was part of this Act with the major goal of working with the disadvantaged. In Montana and other states with large populations of Indians, the disadvantaged was the American Indian. Also passed in the late 1960's was the Higher Education Act which led to some changes at colleges that benefitted the American Indian. The HEA created programs such as, Special Services, Upward Bound, Talent Search, Equal Opportunity Centers, etc.

The Amazing Decade of The 1970's for Indians started The Indian Education Act, Public Law 92-318 or better known as Title IV, which created Parts A, B, C, and D. Included in this act was the creation of The National Advisory Council on Indian Education (NACIE). This was the first and only presidentially appointed council ever created for American Indians. I am proud to say that I was a member of this council and was able to see the major achievements under the IEA from 1979-1982. Hopefully, t iis council will be retained so that Indian people will have the opportunity to discuss their problems and make their recommendations to the U.S. Congress through NACIE.

In 1975, Indian people saw the signing of Public Law 93-638, better known as the Indian Self-Determination and Educational Assistance Act. During that same year the Indian Policy Review Commission was created under Public Law 93-580, which reviewed major policies in Indian Affairs, including Indian Education.

In 1978 we saw the signing of Public Law 95-561 or the Education Amendments of 1978, which brought more changes in Indian Education, new directions within the BIA, and more accountability placed upon the Department of Interior for Indian Education. We also saw Senate Bill 991 which proposed the creation of the Department of Education and proposed the transfer of BIA Education to the new Department of Education. At that time many Indian educators and leaders fought against Senate 991 and won. The Department of Education was not created nor was the BIA Education Program transferred to the Department.

In 1978, we also saw The Indian College Bill passed, better known as Public Law 95-471. As most of you are aware, we have Indian Community Colleges on six of the seven reservations in Montana.

I have given a brief account of the legislation in the 1970's which affected Indian Education directly. Now I would like to discuss the Amazing 1970's from 1972 to the present concerning the achievements made by Title IV. It is this period that Indian Education progressed from the Dark Ages to Self-Determination during the past 11 years.

Mr. Chairman, I am utterly astonished when every year for the past 4 years your committee has requested specific information from the U.S. Department of Education concerning the achievements, successes, failures and problems under the IEA. Yet the U.S. Department of Education cannot provide specific data on the achievements made under the IEA. Specific data on the achievements and needs of Indian Education can be found in the following documents.

1. "Title IV, Part B Impact Evaluation Study."
2. "Title IV, Part C Impact Evaluation Study."
3. "Title IV, Part A Preliminary Impact Evaluation Report."
4. "Eight Annual Reports of the National Advisory Council on Indian Education."
5. "National Indian Adult Education Needs Assessment."
6. "Annual Reports of Part A, B, and C projects."
7. "Annual Evaluation Reports of Part A, B, and C projects."
8. "Other Needs Assessments, Studies and Report Conducted in the 70's Concerning Indian Education.

With the computer technology available today, I am surprised that the U.S. Department of Education cannot forward specific data concerning the IEA to this distinguished body. Because the U.S. Department cannot provide you with these statistics, I will attempt to related some of the major achievements made under the IEA during the past 11 years in this country, for the state of Montana, and more specifically, the Fort Belknap Indian Reservation.

Eleven years ago, there was only one Indian controlled school in the state of Montana. Today, there are Indian controlled schools through all-Indian school boards, tribal schools or contract schools on all seven reservations in the state of Montana. This achievement was made possible only through Part A of the IEA. Without the support of the IEA, Indian controlled schools would not have developed to the point they have in Montana and throughout this country today.

Eleven years ago, our dropout rate for high school students was the highest in the country for any group of people. As we entered the 1970's, the dropout rate on the Fort Belknap Reservation was 59 percent. Today, the dropout rate for Indian students is less than 10 percent.

Eleven years ago, there were less than 400 Indian students attending college in the state of Montana. In 1982, the Indian student body in Montana State colleges and Indian Community colleges exceeded 3,000. This represents an increase of over 750 percent.

Eleven years ago, we had very few Indian school board members and no Indian Parents' Advisory Committees in Montana. Parental involvement was almost nonexistent. Today, we have Indian Parents' Advisory Committees in every school receiving Part A funds. These committees are actively involved in the education of their children. Furthermore, Indian representation on school boards has increased ten-fold.

Eleven years ago, very little adult education services were provided for Indian adults on Indian reservations. Though Part C of Title IV, the Fort Belknap Adult Education Project has provided services to over 1,200 Indian adults; 340 Indian adults have received adult basic education services; 167 Indian adults have completed their High School Equivalency Diploma (GED); 645 Indian adults have received adult education services though first aid classes, Indian education training, cultural

and enrichment classes, etc.; 914 Indian adults received services in job placement, counseling, life coping skills and consumer education; 260 Indian ranchers and farmers received training in beef and crop production, artificial insemination, ranch management, etc. Similar Indian adult education projects have as impressive records on other reservations, and in some cases, are even more impressive.

Eleven years ago, the National Indian Education Association was only three years old; there was no National Indian Advisory Council on Education; state Indian Education Associations such as the Montana Indian Education Association, North Dakota Indian Education Association and another 15 state Indian Education Associations did not exist; no regional technical assistance and training centers existed; and, the American Higher Education Consortium did not exist. The IEA programs and staffs were the catalyst for the growth of these organizations which provided invaluable technical assistance and training services to Indian tribes, organizations and schools.

Eleven years ago, we did not have one Indian Community College in the state of Montana. Though EPD projects under Title IV on reservations, Indian Community Colleges developed and grew though IEA funds and Public Law 95-471 assistance. Today, we have Indian Community Colleges on six on the seven reservations providing higher education services.

Eleven years ago, we had very few Indians trained at the baccalaurate, masters and doctorate levels. Through EPD projects and the fellowship progam under the IEA, we have trained hundreds of Indians in education. For example, the DIAL Program (EPD Project) at the University of South Dakota, trained over 200 Indians at the master's degree level and 23 at the doctorate level in special education, counseling and guidance, school administration, adult education, higher education, elementary education and secondary education. The Montana State University in Bozeman, Mont., trained over 50 Indian people at the master's degree level in the aforementioned areas. We still have a long way to go, however, before we have trained enough educators at all levels to meet our needs.

Eleven years ago, we had only one Native American Studies program in the state of Montana. As a result of the IEA, we now have Native American Studies programs or Indian Education service programs in every public school in Montana that receive IEA, Part A funds. In addition, Native American Studies programs are available in the six Indian Community Colleges, six public colleges and three private colleges.

Eleven years ago, there were no tribal education departments on reservations in Montana. Today, all seven reservations in Montana have developed tribal education departments under Parts B and C of the IEA. At Fort Belknap, our Part B project provided us planning services for our department; the first major educational needs assessment was conducted; relevent cultural curriculum was and is being developed and integrated into public school classrooms; Indian Parents Advisory Committee training is provided; counseling and guidance to over 800 Indian children and adults are provided each year; and, our IEA Part B project was the catalyst that provided us the expertise to contract for the Bureau of Indian Affairs Higher Education Scholarship Progam and Johnson-O'Malley Program.

With the passage of Title IV, the Indian Education Act of 1972, numerous achievements have come about in our schools and tribal education programs through Parts A, B, and C of Title IV. I am certain that other Indian scholars in this room today will provide this distinguished committee with other specific examples of achievements made under the IEA.

The Indian Education Act addresses the special educational and culturally related academic needs of Indian children and adults. While significant gains were achieved in the 1970's, the American Indian and Alaskan Native continue to be the most economically and educationally disadvantaged group in this country. It is still the case that: Indian students attend and complete school, as well as enter and complete higher education, at rates far below their majority counterparts; unemployment rates for Indian adults and poverty rates for Indian families, greatly exceed rates for the majority population; and household incomes are significantly lower for Indian families than for non-Indian families.

The U.S. Congress has recognized that by improving the educational status and by providing opportunities for the American Indian, the cycle of poverty and dependency is broken. Virtually every treaty entered into between the U.S. Congress and Indian tribes contained provisions for educational services for Indian people.

In recognition of the special relationship and trust responsibility existing between Indian tribes and the Federal Government, Title IV, the Indian Education Act of 1972, must continue in the future.

Educational services that will be lost on the Fort Belknap Reservation alone, if the IEA is terminated, includes the following:

School program	Services	Budget	Staff
1. Fort Belknap Tribal Education Department (curriculum development, project, part "B")	Curriculum development planning capabilities, parents advisory board training, Native American studies	$161,164	6
2. Fort Belknap Tribal Education Department (adult education project, part "C")	Adult basic education GED population cultural and enrichment courses senior citizens courses	131,304	8
3. Fort Belknap Tribal Education Department (adult education pilot and planning project, part "C")	Computer assisted instruction farm and ranch management small business development	84,765	2
4. Hays/Lodge Pole Public Schools (part "A")	Art program, music program, activity bus, athletics, field trips, cultural classes	40,000	2
5. Harlem Public School (part "A")	Indian studies, home school coordinator, tutoring, art, music, cultural program	67,298	4
6. Dodson Public Schools (part "A")	Tutoring, microcomputers, athletic program, cultural program	10,000	1-2

The elimination of the IEA would affect the Fort Belknap Reservation in the following ways:

1. Twenty-two and one-half (22.5) positions would be abolished.
2. Services to over 900 Indian children would be greatly curtailed.
3. Adult education services to over 750 Indian adults would be eliminated.

According to Bureau of Indian Affairs statistics, educational grants in Montana totaled $3,783,000 in 1982. Included was $2,425,000 for public schools, $866,000 in fellowships and tribal education programs, and $491,000 for adult education (Medill News Service, Washington, D.C., reported by Great Falls Tribune, February 14, 1983).

At this time, I would like to specifically address recommendation for The Indian Education Act. These recommendations were adopted by the Montana Indian Education Association Board of Directors on February 14, 1983, in Great Falls, Montana by an unanimous vote:

1. The Indian Education Act should be funded at no less than the fiscal year 1981 level in fiscal year 1984.
2. The U.S. Congress should provide a fiscal year 1983 supplement for the IEA equal to the fiscal year 1981 level.
3. A 12-percent annual increase of the proceeding fiscal year appropriation level is needed each year to maintain quality education services for Indian children and adults.
4. Public Law 92-318 should be reauthorized for a minimum of 5 years.
5. H.R. 11 should be amended to include the extension of all programs under the IEA until 1989.
6. Adult Education service programs should be expanded and adequately funded in the future.
7. Certification from requirements (506 form) should be less restrictive so that services can be provided to all eligible Indian students.
8. Schools should be allowed to transfer 506 eligibility forms to another school when a student transfers.
9. Part A pupil expenditures should be comparable to Chapter 1 expenditures.
10. The National Advisory Council on Indian Education should be continued and funded commensorable to need. Tribal input should be required in the selection of NACIE members and that all NACIE appointments have a background in Indian Education. Furthermore, a minimum of one member of NACIE should be an Indian Educator from the state of Montana and the current NACIE Executive Director should be retained.
11. A minimum of three EPD projects are needed in the state of Montana to meet our educational training needs in the 1980's.

Mr. Chairman and other distinguished members of the Committee. Indian people do not want to return to the 1930's. Our success and achievements in the 1970's are attributed largely to The Indian Education Act of 1972. We have come a long way during the past 11 years. To terminate The Indian Education Act of 1972 would be the greatest injustice placed upon the American Indian since the genocide period of the 1800's and the termination period of the 1950's.

In conclusion, it seems ironic that the present Administration renewed its commitment to Indian people less than one month ago. Yet here we are—fighting to retain what little we have in Indian Education one month later.

Thank you very much for allowing me to submit this testimony to this distinguished Committee of the U.S. Congress.

Mr. KILDEE. Thank you very much for your testimony I was thinking as I looked at the fact that you were a former member of the NACIE, that in the former British colonies, one of the ways of being a leader was having served in a British jail one time. Perhaps having been terminated by NACIE may be a way that your leadership will be enhanced in the community.

Mr. SWAN. Thank you.

Mr. KILDEE. At this point, I would like to ask consent to include in the record the statement of the Flint public schools concerning the administration's budget proposal for title IV.

[The information referred to follows:]

Flint, Michigan, February 18, 1982.

Hon. DALE E. KILDEE,
Washington, D.C.

DEAR CONGRESSMAN KILDEE: Attached is the testimony regarding the Flint Schools' Indian Education Program to be read into the record at the House Education and Labor Committee hearing on February 22.

The testimony has been reviewed by Flint Schools' Superintendent Joseph Pollack, Chairman of the Board's Governmental Relations Committee Dan Kildee, Mary Gibson of our Indian Education Program, and Compensatory Programs Director Ed Hansberry.

We sincerely appreciate your interest in our program and your invitation to testify in Washington. Due to time constraints, that was not possible. We do appreciate your offer to include our written testimony in the hearing record.

As always, we can count on you and your staff to keep the Flint Schools informed of opportunities to give input regarding our programs and the effect that pending legislation could have on them.

If you need further information, please don't hesitate to contact us.

Sincerely,

AUGUST BRANDT,
Executive Director, Public Affairs.

STATEMENT FROM THE FLINT, MICH., COMMUNITY SCHOOLS

Congressman Kildee and members of the House Education and Labor Committee, thank you for inviting the Flint, Michigan Community Schools to provide testimony today regarding the President's proposed cuts to Indian Education. The Flint Schools would have liked to have sent a delegate to deliver the testimony personally, but due to time constraints, that was not feasible.

As you are well aware, President Reagan has proposed zero funding for Indian Education under Part A of the Indian Education Act for fiscal 1984. Part A funds provide payments to local districts to serve American Indian students.

The President is also recommending a rescission of $13 million from the $48.5 million fiscal 1983 Part A Indian Education appropriation, bringing 1983 funding down to $35.5 million.

The original fiscal 1983 Part A appropriation was down from the fiscal 1982 level of funding which was $55 million. During a period of double digit inflation, subsequent rising costs, and soaring unemployment, Indian Education Part A funding took a $7 million cut from fiscal 1982 to fiscal 1983. And that is before considering the President's recommended rescission.

It is easy to balance the federal budget by cutting Indian Education. Indian students are an easy target. They represent a small portion of the population. We've heard the rationale.

We don't buy it. The Flint Schools have served our Indian students through the Indian Education Program for nine years—since the 1974-75 schools year. We have made a lot of progress. We have seen the dropout rate for Indian students decline. Without Indian Education services that are targeted specifically at this population, many of these students could "fall through the cracks."

You've heard our story before. Flint, Michigan is the city of unemployment. We build—or more appropriately, built in the past tense—cars. Auto sales have fallen drastically. Thousands of auto workers in Flint are laid off. There is no hope in sight for callbacks to the factory for these people. In many cases, their benefits have run out, and they are forced to accept General Assistance to survive.

Minority populations suffer the most. Recent data collected by the Genesee Indian Center shows that the unemployment rate among adult Indians, age 18 and over, in Genesee County is 28 percent. This figure includes only those who are actively seeking full or part time employment.

Indian Education in Flint consists of more than making snowsnakes and instilling pride in a student's Indian heritage, particularly in light of Flint's severe economic situation.

Indian students have a statistically high dropout rate. Our secondary Indian Education Program focuses on involving Indian students who are having problems and are dropout prone. As a result of the support system established by the Indian Education staff and one-on-one counselling, many Indian students in this category are staying in school.

It is difficult to arrive at a consistent figure on the dropout rates because the federal guidelines for funding eligibility and the federal reporting requirements have changed four times during the nine years the program has been in operation in Flint. However, we do know that the number of Indian students dropping out of school has decreased. For example, in the 1975–76 school year, ten 12th grade Indian students did not finish school. Last year, only three Indian students dropped out during their senior year.

By staying in school and completing their education, these students have a better chance of finding employment. Our program is giving these students a better chance at economic survival than their parents had. This has long-term cost-savings implications as well, in terms of lower unemployment and welfare costs.

Both elementary and secondary students are served in the Flint Schools' Indian Education Program. This year, we are providing services for 251 Indian students with a $99,836 grant. Four staff persons provide the services for these students.

Many of our students in the program come from single parent homes. Many are economically disadvantaged. Many are either withdrawn, or are disciplinary problems, both at home and in the classroom.

Our program focuses on parent involvement. This support from the home increases the child's chances of success in school.

Our program is working. We have made a lot of progress in the nine years our Indian Education Program has been in existence.

Without federal funding the program will end. Education funds in Michigan are being cut at the state level as well as the federal level. Needs for services are increasing as the economy worsens. We have fewer dollars and higher needs. Like the federal budget, it doesn't balance.

Children are our nation's future. Please don't balance the federal budget at the expense of the education of our children.

We would ask you to take no action on the President's rescission recommendation, thereby maintaining the fiscal 1983 appropriation for Part A at $48,465,000.

As to the President's fiscal 1984 zero budget request for Part A funds for Indian Education—we understand that the federal budget must come closer to balancing. However, please don't destroy a program that has made such a positive change in the lives of Flint's Indian students. We would ask that the program be funded minimally at last year's level.

With rising costs of staffing and increased student needs, it would be difficult to maintain program quality with status quo funding. However, we realize that compromise must be made.

We are willing to compromise, but we are not willing to surrender and risk losing the much needed services to our Indian students.

Thank you for listening to our concerns.

Mr. KILDEE. Also Congressman Pat Williams regrets that he cannot be here, however, he has asked me to extend his welcome to Dr. Swan and Ms. Karen Fenton as fellow Montanans.

Our next witness is Mr. Hayes Lewis, Superintendent, Zuni Public Schools of Zuni, N. Mex.

STATEMENT OF HAYES LEWIS, SUPERINTENDENT, ZUNI PUBLIC SCHOOLS, ZUNI, N. MEX.

Mr. LEWIS. Good morning, Mr. Chairman, and members of the committee. I would like to direct your attention to this gentleman, Mr. Phil Savilla. He is one of our Zuni Board of Education members and accompanies me here.

Mr. KILDEE. We welcome you here this morning.

Mr. LEWIS. This morning, the Zuni Board of Education and Public School District Administration would like to submit for the record the written testimony that we have prepared. If I may, I would like to refer to sections of this statement as I make my presentation.

Mr. KILDEE. Without objection.

Mr. LEWIS. My name is Hayes Lewis, I am the assistant superintendent for the Zuni Public School District. Today I would like to offer you a little bit of a different perspective on Indian education, especially as it applies to Indian education in the State of New Mexico.

In providing our reaction to the administration's budget proposal on Indian education, the Zuni Board of Education and School District Administration totally oppose the rescission of 1983 title IV Indian Education Act funds, as well as the proposed termination of these programs in 1984.

The administration has implied that Indian tribes will not be significantly affected by the termination of the Indian Education Act funds and it has advanced two alternatives for the continuation of educational services. One is that Indian tribes and organizations are eligible for other kinds of educational funds, specifically Impact Aid, chapter I and II, Vocational Education and Bilingual Education Act funds.

No. 2, that the Bureau of Indian Affairs educational funds are available to tribes and Indian organizations for the continued support of needed educational programs. These two proposals being advanced by the administration in reality offer nothing to tribes.

Indian educational organizations are Indian-controlled public school districts, such as the Zuni School District. Although funds are available to Indians, there is no guarantee that the Indian tribes and organizations will be able to effectively participate or qualify for the limited funds available.

The administration is proposing to limit the amount of educational funds available nationwide, while at the same time increasing the service population through the elimination of programs like the Indian Education Act .

In our analysis of the 1983-1984 Bureau of Indian Affairs budget, we find in this comparison that the administration's budget proposed on Indian education reveals that there are no provisions or planning to anticipate the increase in the service population and to account for the continued provision of services to nonreservation Indian groups.

The Zuni School District is an Indian-controlled public school district located on the Zuni Indian reservation, with a service population of 96 percent Zuni Indian.

However, as a State educational agency, we do not qualify for any BIA educational funds. Since the administration is proposing to terminate title IV Indian Education Act funds, and no provisions have been made to include our needs in the BIA budget, we will be totally denied access to those funds which the administration has said are available for the Indian people to use.

In terms of the other educational funds that have been identified by the administration as being available, the administration has continually stated that the Indian tribes and organizations are eligible for the many other categorical funds that either flow to the States or are available on a competitive basis nationwide.

Even though these funds are available, it does not necessarily follow that Indian people will be able to qualify or participate in these programs. Bilingual Education Act funds is one area that has been identified as the resource for Indian people. This fund is slated for reduction from the current level of 145 million to 95 million for the remainder of the 1983 fiscal year and there is no provision again for increasing service population and the fact that there will be less funds available.

Unless you have a very direct experience as a recipient of Federal education funds, it is very hard for one to imagine how extremely difficult it is to obtain these funds. Although bilingual education funds have been available for many years, Zuni, for example, received its first Bilingual Education Act moneys and programs during this school year, the 1982-1983 school year.

Categorical funds that flow to States, or that are earmarked for programing such as bilingual education are very limited in how they can be used. These moneys are for very specific educational purposes and cannot be used in a generalized way to support needs other than those for which they were intended.

An example of this is the chapter II block grants that come to the States. In New Mexico, the Zuni Public School District received approximately $17,000 as its share of title I—excuse me, chapter II educational block grant money. These funds were divided among five school sites in our district, as well as two parochial schools.

The chapter II funds provided educational support to the district and community only in terms of the purchase of audiovisual equipment and library texts and materials. We are very thankful for these types of moneys since it was spent very well to upgrade our library facilities. However, these funds cannot be generalized for the support of other educational needs in our district.

Even though it is true that some educational organizations qualify for alternative sources of funds, either State or Federal, we must be careful to consider these realities. No. 1, all Indian organizations do not automatically qualify for State educational funds. State and Federal categorical funds are intended for various specific purposes and cannot be used in a general way to support all of our needs. No. 2, the competition for the very limited categorical funds is extremely keen nationwide.

We have provided in our statement a summary of the title IV Indian Education Act programs that have come down to the Pueblo/Zuni and the Zuni Public School District.

In highlighting one of these projects, I would like to give you an example of how title IV Indian Education Act moneys have been

used to provide for our advances in education and provide for our greater control of the education for our children.

The program that I am talking about is a Zuni subcontract to an All Indian Pueblo Council title IV Indian Education grant. The Zuni subcontract provided for the planning and for the feasibility studies that led to the development and creation of the Zuni Public School District.

In the early 1970's up until 1977, the Zuni tribe had been planning and had been talking with community people about creating our own school district. We felt that the creation of our own school district and the control of education in our community was very important mainly because the parents had not been involved in the educational process that governed and controlled our children. During the time that we were part of the Gallup-McKinley School District, no Zuni had ever been elected to the board of education, and during the period from 1970 until 1982, only—excuse me, until 1980, only two Zuni members were part of the districtwide title IV pact.

This indicates that Zuni people and Indians generally have been on the outside looking in, and now that we are able to control the destiny of our education for our children, we are now participating as a State agency and we have an Indian-controlled school board in Zuni that sets general policy direction for the administration and now parents have a better say, a more effective say, in what happens in terms of education.

This has all been brought about and this opportunity was created by the title IV Indian Education Act funds.

In terms of the continuing need for the title IV Indian Education Act, I would like to refer to a statement concerning the historical circumstances of Indian needs that have been documented. In 1928, the Brookings Institution, then the Institute for Government Research, issued its study entitled, "The Problem of Indian Administration." This document was prepared under the direction of Lewis Meriam of the University of Chicago for the Secretary of the Interior. For the first time in American history, national attention was focused upon the negative conditions affecting the lives of Indian people.

The Meriam report made two basic conclusions:

(1) Indians were getting poor services, especially in the health and educational services area in public institutions, and

(2) Indians were being excluded from the management and control of their own affairs.

Over 125 years has passed since the treatymaking period between the Federal Government and Indian tribes. Treaties were basic good faith commitments for the provisions of services like education in exchange for land and natural resources. Only 55 years have passed since the basic conclusions regarding the sad state of Indian affairs were documented in the Meriam report.

For many, many tribes, the dire need for economic, social, and educational assistance from the Federal Government still exists. These needs exist today.

Indian tribes and people are relative newcomers in the modern educational scene. We have not had the many decades of experience, expertise, involvement, or the traditions of family educational

achievement to rely upon, as has been the case for the majority of the national population.

In terms of the title IV Indian Education Act, only 10 years have elapsed since its initial implementation. If definite long-term gains in education and in the other many important areas are to be achieved and maintained, then the Congress of the United States must continue to provide the financial support and commitment necessary for success.

In conclusion, I would like to again refer to our statement and this includes the recommendations of the Zuni Board of Education and Administration.

After careful consideration of the historical circumstances regarding the Federal Indian relationship, and upon review of our educational situation, problems, and needs, the Zuni Board of Education is compelled to go on record in opposition of any rescission or termination of title IV Indian Education Act funds.

Major changes and improvement in educational practice take time. After many decades of educational neglect and deprivation, the Zuni Tribe is finally at the threshold of true educational determination and success. Termination of Federal title IV Indian Education Act funds would be a serious setback in our development.

For all Indian tribes and people, it will be a continuation of treatment as usual by the U.S. Government. This translates to no control over the education of our children and an expectation that educational services will not significantly improve.

The termination of Federal Indian Education Act funds will definitely signal a lack of commitment and responsibility on the part of the United States to assist Indian tribes and people in improving their lives.

We would also like to go on record supporting legislation like House Resolution No. 11 or similar legislation that would restore the funds of the title IV Indian Education Act. The Zuni Board of Education is very grateful for having this opportunity to speak to the committee today.

Thank you.

[Prepared statement of Hayes Lewis follows:]

PREPARED STATEMENT OF HAYES LEWIS, SUPERINTENDENT, ZUNI PUBLIC SCHOOLS, ZUNI, N. MEX.

A. INTRODUCTION

The Zuni Public School Board of Education and Administration is pleased to be able to present the Oversight Committee on Title IV Indian Education with factual information and data regarding the use of Title IV Indian Education monies in our community.

The Zuni Public School District is an Indian controlled public school district located in McKinley County in the western portion of New Mexico. The District was created through official action of the New Mexico State Board of Education in January, 1980. One of the Title IV projects that will be highlighted in the oral statement made by District representatives is a project which allowed Tribal Officials and planners to accomplish all necessary legal, economic and educational planning which ultimately led to the successful creation of the Zuni Public School District.

Our statement to the Oversight Committee on Title IV Indian Education will indicate the following:

1. Our strong opposition to President Reagan's budget proposal on Indian Education.

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2. We will identify all Title IV projects that have been funded to the Zuni community and provide factual information regarding services provided and achievement.
3. We will provide evidence of our continuing need and the need for continued funding of the Title IV Indian Education Act, and,
4. We are recommending to the Members of the Oversight Committee Hearing on Title IV Indian Education that: (a) The recession of 1983 Title IV Indian Education Act funds not be allowed; (b) That Title IV Indian Education Act funding be reappropriated in the 1984 budget; and (c) That future funding for Title IV Indian Education Act be insured by passage of either HR-11, or similar legislation.

B. REACTION TO ADMINISTRATION'S BUDGET PROPOSAL ON INDIAN EDUCATION

The Zuni Board of Education and School District Administration totally oppose the recession of 1983 Title IV Indian Education Act funds as well as the proposed termination of these programs in 1984.

The Administration has implied that Indian Tribes will not be significantly affected by the termination of Indian Education Act funds and it has advanced two alternatives for continuation of educational services: (1) Indian Tribes and Organizations are eligible for other kinds of educational funds. Specifically, Impact Aid, Chapter I & II, Vocational Education and Bilingual Education Act funds; and (2) That Bureau of Indian Affairs educational funds are available to Tribes and Indian Organizations for the continued support of needed educational programs.

These two proposals being advanced by the Administration in reality offer nothing to Tribes, Indian Educational Organizations or Indian Controlled Public School Districts such as the Zuni School District. Although these funds are available to Indians, there is no guarantee that Indian Tribes and Organizations will be able to effectively participate or qualify for the limited funds available. The Administration is proposing to limit the amount of educational funds available nationwide, while at the same time increasing the service population through the elimination of Indian Education Act funds.

ANALYSIS OF 1983-84 BUREAU OF INDIAN AFFAIRS BUDGET

A comparison of the 1983-84 BIA Budget for education with the Administration's Budget proposed on Indian Education reveals that no provisions or planning has been made in anticipation of the increase in service population and to account for the continued provision of services to the non-reservation Indian groups.

The Zuni School District is an Indian Controlled Public School District located on the Zuni Indian Reservation, with a service population which is 96 percent Zuni Indian. However, as a State Educational Agency, we do not qualify for any BIA educational funds. Since the Administration is proposing to terminate Title IV Indian Education Act funds and no provisions have been made to include our needs in the BIA Budget, we will be totally denied access to those funds which the Administration has said are available to Indian people.

OTHER EDUCATIONAL FUNDS THAT HAVE BEEN IDENTIFIED BY THE ADMINISTRATION AS BEING AVAILABLE FOR INDIAN EDUCATION

The Administration has continually stated that Indian Tribes and Organizations are eligible for the many other categorical funds that either flow to the states or are available on a competitive basis nationwide. Even though these funds are available, it does not necessarily follow that Indian people will be able to qualify or participate in these programs. Bilingual Education Act funds is one area that has been identified as a resource for Indian people. This fund is slated for reduction from the current level of 145 million to 95 million for the remainder of the 1983 fiscal year. There is no provision for the increase in service population and the fact that there will be less funds available nationwide.

Unless you have had direct experience as a recipient of federal education funds, it is very hard for one to imagine how extremely difficult it is to obtain these funds. Although Bilingual Education funds have been available for many years, Indian participation in this program is a relatively new endeavor. Zuni for example, received its first Bilingual Education monies and program during the 1982-83 school year.

Categorical funds that flow to states or that are earmarked for programming such as Bilingual Education are very limited in how they can be used. These monies are for very specific educational purposes and cannot be used in a generalized way to support needs other than those for which they are intended. An example of this is the Chapter II educational block grant monies we receive from the State of New

Mexico. The Zuni Public School District received approximately $17,000.00 as its share of Chapter II funds. These funds were divided among five public school sites and two parochial schools. The Chapter II funds provided educational support to the District and community only in terms of purchase of audio visual equipment and library texts and materials. We are very thankful for these monies, since it was well spent to upgrade our school libraries. However, these funds cannot be used to meet the many other important educational needs of the District.

Even though it is true that some Indian educational organizations can qualify for alternate sources of state or federal funds, we must be careful to consider these realities:

1. All Indian Organizations do not automatically qualify for state educational funds.
2. State/federal categorical funds are intended for very specific purposes and cannot be used for the general support of all needs.
3. Competition for the very limited categorical funds is extremely keen.

C. ZUNI INDIAN TITLE IV PROJECTS

The Pueblo of Zuni and the Zuni Public School District have had several projects funded under the Title IV Indian Education Act. Zuni Title IV Projects have been recognized nationally and statewide as innovative examples of programs that have been designed to meet the special educational needs of the Zuni community.

1. Zuni Alternative Learning Center Enrichment Program

Title IV Part A—Non-LEA Grant No. G008200789; Pueblo of Zuni 1982-1984 (on-going); Number of Indian Students: 175 students grades 7-12.

Major Activities.—(a) Personal and academic counselling services; (b) Art Instructional program; and (c) Zuni Language Literacy Program.

The Zuni Alternative Learning Center Enrichment Project provides supplemental enrichment services for students enrolled in the Zuni Alternative Learning Center, which is a 7-12 small high school co-sponsored by the Zuni Public School District and the Pueblo of Zuni. It is accredited by the New Mexico State Department of Education.

2. Zuni Public School District

Title IV—A LEA Grant No: N008201079; 1980—on-going; Number of Indian Students: 1,612.

Major Activities.—(a) Parent Committee involvement; (b) Program Coordination; (c) Home/School Liaison; (d) Mini-Components—Special Projects (1) Zuni Studies/Basic Skills, (2) Zuni Oven Project, (3) Author Series, (4) Math Lab, (5) Native American Studies, (6) Zuni Environmental Field Studies, and (7) Drug Abuse Counselling and Intervention Project.

The District Title IV-A LEA grant was based upon needs expressed by Zuni parents. This project has focused upon the improvement of education services; the increased participation of parents in the educational process of their children; and the provision of services which are intended to improve student self-image and achievement.

3. Zuni Cultural Education Program

Title IV-A, Non-LEA Grant No: G007902221; 1979-81, Number of Indian Students: 1,536 (completed).

Major Activities.—(a) Alternative Learning Program; (b) Cultural Awareness; (c) Career Awareness/College Orientation; (d) Extra-Credit Evening Program; (e) Curriculum Development; and (f) Summer Education Program.

The Zuni Cultural Education Program was a multi-faceted project which provided educational services to the Zuni community. The primary area of achievement was in the continued development of the Tribal Alternative Education Project and the establishment of support services for these students and parents.

4. Zuni School District Planning Project

Title IV-B, Demo. Zuni Sub-Contract to AIPC Grant: Comprehensive Plan for Establishing Control of Pueblo Education; Number of Indian Students: 1,600 (completed).

Major Activities.—(a) Conduct all necessary feasibility studies and plan for the establishment of the Pueblo of Zuni as in Independent, Pueblo controlled New Mexico Public School District.

The Pueblo of Zuni sub-contracted its share of the AIPC grant and hired an all Zuni staff. Under the direction of the Zuni Division of Education, all necessary educational planning and feasibility studies were completed. On January 7, 1980, the State Board of Education decided in a 10–0 vote to create the Zuni Public School District. The Zuni District follows reservation boundaries and is the first Indian controlled district in New Mexico. A major reason Zuni Tribal members wanted control over education was because parents had no involvement in decision making affecting Zuni schools and children. Other factors include: (1) a drop-out rate of 43 percent as evidenced by state drop-out statistics, (2) low achievement scores. CTBS scores for Zuni children indicated an 8–5 grade equivalency level for graduating seniors; a survey conducted among public school staffs indicate that the majority do not understand Zuni social, cultural and political conditions and that they have very low expectations of Zuni students.

The Zuni Public School District has operated for two and one-half years and currently has a total operating budget of 6.2 million dollars. It is preparing for North Central Accreditation and is upgrading all areas of program, facilities and parental involvement.

5. AIPC–UNM Zuni Teacher Training Program

Title IV–B Higher Education Grant, 1971-present (on-going), Number of Indian Participants: 215.

Major Activities.—(a) Teacher Training Services at Elementary Education Level (1) AA Degree, (2) BA/BS Degrees, (3) Master Teacher Program—MA Degree; (b) Academic/Career Counselling Services; (c) On-site Courses and In-Service Training.

The All Indian Pueblo Council-University of New Mexico Teacher Training Project has allowed local teacher aides to obtain their teaching credentials in elementary education. Twenty Zunis have completed BS degree programs and thirty-one Zunis have completed the AA degree programs. Currently, there are sixty-seven active Zuni participants in this project. The Pueblo of Zuni has actively supported this project and has worked cooperatively with the project by providing scholarship grants to eligible participants to attend full-time summer sessions on the University of New Mexico campus. Without the support of Title IV-B monies and the BIA-Tribal Higher Education Program, the majority of Zuni aides would not be able to complete their education programs and become certified teachers.

6. Pueblo of Zuni Title IV-B, Zuni Cultural Education Program

Educational Services Grant No: G007605050, 1976–1979 (completed), Number of Indian Students: 1,500.

Major Activities.—(a) Alternative Learning Program (7–12 grades), (b) Cultural Awareness, (c) Extra-Credit Evening Program, (d) Curriculum Development Project, (e) Summer Education Program.

This project was the first attempt by the Pueblo of Zuni to provide comprehensive educational services to tribal members and youth who would not attend the public schools. Zuni at that time was still part of the Gallup-McKinley County School District. The GMCSD extends over 5,000 square miles in western new Mexico. This project enabled tribal educational administrators and personnel with important experience in developing programming and laid the ground work for the development of future programs.

7. Pueblo of Zuni Adult Education Program

Title IV-C—Two continuation grants last 1978–1980 Grant No: G007803611, Number of Indian Adults Serviced: 2,613 (completed), Number of GED Graduates: 211.

Major Activities.—(a) GED Preparatory, (b) Business Education, (c) Consumer Education.

The Zuni Adult Learning Center project provided adult Zuni community members with the three above basic services. The major emphasis of the project was in the area of GED preparation and consumer awareness. This emphasis was based upon the fact that an extraordinary high rate of drop-out existed among community members and that Zuni people were easy prey to unscrupulous business practices by traders, jewelry buyers and Gallup merchants. Although a dire need for this type of programming still exists, the Tribe has not received funding for the last two years.

The funding provided by the Federal Government under P.L. 92-318, Title IV Indian Education Act has greatly assisted the Pueblo of Zuni and the Zuni Public School District to develop and implement examplary educational programming to meet the special educational needs of the Zuni community. Not only have these funds allowed us to develop consistantly outstanding educational programs, but it

has allowed us to develop a base of experience and educational expertise that would not otherwise have been available especially since other types of federal assistance has always been limited in amount and use.

The Title IV monies that have been made available to the Zuni Pueblo and School District have provided the opportunity to develop a positive sense of awareness regarding educational planning, and has allowed us to achieve a large measure of control over the educational destiny of our children. This is a right and responsibility that all american parents share. We wish to continue in our development and educational progress, and we are willing to continue our responsibility toward this end. However, we cannot progress in our development if we are totally deprived of federal assistance.

There are several important reasons why we believe that federal assistance in Indian education for Tribes and Indian Organizations must be upheld.

D. STATEMENT OF CONTINUING NEED

In 1928, the Brookings Institution (The Institute for Government Research) issued its study entitled: "The Problem of Indian Administration." This document was prepared under the direction of Lewis Meriam of the University of Chicago for the Secretary of Interior. For the first time in American History, national attention was focused upon the many negative conditions affecting the lives of Indian people. The Meriam report made two basic conclusions: (1) Indians were getting poor services, particularly in health and education services in public institutions, and (2) Indians were being excluded from the management of their own affairs.

Over one hundred and twenty-five years have passed since the treaty making period between the Federal Government and Indian Tribes where basic good faith commitments were made for the provision of services like education; in exchange for land and natural resources. Only 55 years have passed since the basic conclusions regarding the sad state of Indian Affairs were documented in the Meriam report. For many, many tribes, the dire need for economic, social and educational assistance from the Federal Government still exists.

Indian Tribes and people are relative newcomers into the modern american educational scene. We have not had the many decades of experience, expertise, involvement or the traditions of family educational achievement to rely upon as has been the case for the majority of the national population. In terms of the Title IV Indian Education Act, only 10 years have elasped since its initial implementation. If definite, long term gains in education and the many other important related areas are to be achieved and maintained, then the Congress of the United States must continue to provide the financial support and commitment necessary for success.

The Title IV Indian Education Act is the only piece of congressional legislation which offers Indian Tribes and people a true sense of autonomy and involvement over the identification of specific needs to be served; the kinds of programs and services that will be provided; and how Indian parents will be involved in the educational decision making process. American parents have always looked upon personal involvement in their childrens' education as a right. However, American Indian parents have traditionaly been excluded from direct involvement in the public educational process. This is particularly evident in cases where Indian reservation populations are served by county-wide public school districts.

For example, prior to the creation of the Zuni Public School District, the Pueblo of Zuni was a part of the Gallup-McKinley County School District. This District is the largest geographic, public school district in the nation and extends over 5,000 square miles. The Board of Education and Administration is located in the city of Gallup, a distance of over forty miles from the Pueblo of Zuni. During the 22-year period that Zuni was a part of the Gallup McKinley County School District, no Zuni ever elected to serve on the Board of Education. In terms of participation on the Title IV Indian Education Program, only two Zuni Indian parents served on the District-wide Parent Advisory Committee from 1972 until 1980.

Although the opportunities for Zuni people have changed dramatically by the creation of our own school district, the situation has not improved significantly for the majority of Indian tribes and people. Many of these tribes, as well as their membership who have immigrated to the urban centers, have a strong identification with the Title IV Indian Education Act and programs. This is primarily due to the fact that Title IV was the first piece of Indian Education legislation that mandated that Indian parents be involved in program planning and decision making.

ZUNI EDUCATIONAL SITUATIONS AND NEEDS

In the last two and one-half years since the creation of the Zuni Public School District, the educational opportunities for Zuni residents and the opportunities for parental involvement in educational decision making has improved drastically. Although a positive situation and climate exists for educational improvement in our community, we still have a long and hard struggle ahead in terms of resolving our educational problems and achievement of our educational goals.

The many years of educational deprivation and neglect has left us with severe educational problems. The solutions to these basic problems will take years to overcome and will mean a stronger commitment and responsibility for all concerned. When the Zuni people decided through local initiative to assume control and responsibility for their own educational system, they did so with the knowledge that positive educational change would not be easy. In fact, it is very difficult. Particularly, in a situation where there has been a history of very bad relations between a state educational agency and the people it is intended to serve. Nevertheless, it is a fact that the Zuni people have elected to begin the development of an educational system which will begin to meet the special education related problems of the Zuni people and community.

CURRENT EDUCATIONAL PROBLEMS AND PRIORITIES

1. Attendance.—At the point Zuni assumed control of its educational system, it had the dubious honor of having the highest drop-out rate among all New Mexico communities. In 1980, the drop-out rate for Zuni was 43 percent, compared to an average of 9 percent for the remainder of New Mexico school districts. The drop-out rate has been reduced to 23 percent for the current school year. This has been primarily due to the special programming and services that have been provided by the Title IV-A LEA grant. More parents have been encouraged to take an active interest in the education of their children and special attention has been focused upon the students through supplemental counselling, basic skills development program and career awareness. More effort needs to be placed upon overcoming the negative attitude many parents have toward education.

2. PARENTAL INVOLVEMENT IN EDUCATIONAL DECISIONMAKING

The Title IV Indian Education Act programs have created a positive beginning for many Zuni parents. This project and the accompanying parental involvement that it requires has caused Zuni parents to become aware of the many educational problems we face. Involvement haw also meant that Zuni parents have a voice in educational planning and priority setting for program development.

3. EDUCATIONAL STANDARDS

The educational practices of the District has been sub-standard for many years. Since standards have been low, teacher expectation of student performance and capability has also been low. In order to break out of the vicious cycle of negative self-fulfilling prophecy in the areas of teacher expectations and student achievement, the Zuni Board of Education and Administration are developing plans for the improvement of District-wide educational standards.

Parents in our community believe that Zuni children must be provided with a positive educational experience which will allow our children to function effectively in any situation, on or off the reservation. Our community educational needs assessments indicate that a strong academic program must be a requirement. Along with this, is a real need for young Zunis to realize that they have a strong and vital traditional way of life. It is in this area that the Title IV Indian Education Programs have been so valuable. To the Zuni people, the development of "culturally relevant" education programs does not mean—beadwork or basket making. It means that special programming must be developed which will expose our youth to the many valuable ways of life we have and the governments we must operate under. For example, Zuni youth must realize that they have a tribal government that regulates many areas of their daily lives. In addition, we are all American citizens, subject to the same laws, regulations and taxes that apply to other Americans. Special programming can and must be developed in this area so that our young people will have a more complete education. Another area of special programming that needs development is the history of the Zuni people. While the pilgrims were still trying to establish a colonial presence in the north eastern seaboard, the Zunis were already under the colonial jurisdiction of Spain. Our major conflicts were not with the United States Calvary, but were with the conquistadores of New Spain. Our tribal

history and heritage has been made richer by these kinds of encounters. Our young people must become aware of their place in history as well as their responsibility for the future development and survival of the Zuni Tribe.

4. STUDENT ACHIEVEMENT

Many factors have had a negative influence upon the achievement of Zuni students. The long standing history of bad experiences and relations with educational institutions; the lack of positive role models such as Indian teachers and administrators; the general unavailability of personal and career counselling opportunities are environmental factors that have had an impact upon student achievement. Other factors that influence student achievement for a large number of Zuni students include:

a. The fact that the majority of Zuni students speak Zuni as their primary language.

b. Many Zuni students do not possess adequate basic skills development in oral language, reading, writing, math and science areas.

c. Negative educational experience and low teacher expectations have led to the development of a negative self-image and lack of confidence.

d. General lack of awareness of the importance of standardized testing and procedure.

The Title IV Indian Education Act offers us an opportunity to begin resolving many of the problems related to student achievement. As in any area involving personal standards, expectation and achievement, it is important for people to possess a high degree of self-awareness and self-confidence regarding their abilities. Indian children and people must be instilled with a sense of self-determination and must have a measure of control over their lives. Title IV Indian Education Act programs have taken the lead in program development in this important area and must continue.

E. RECOMMENDATIONS

After careful consideration of the historical circumstances regarding the federal-Indian relationship; and upon review of our educational situation, problems and needs, the Zuni Board of Education is compelled to go on record in opposition of any recession or termination of Title IV Indian Education Act funds.

Major changes and improvement in educational practice take time. After many decades of educational neglect and deprivation, the Zuni Tribe is finally at the threshold of true educational self-determination and success. The termination of federal Title IV Indian Education Act funds would be a serious setback to our development.

For all Indian Tribes and People, it will be a continuation of treatment as usual by the U.S. Government. This translates to: no control over the education of our children and an expectation that educational services will not significantly improve. The termination of federal Indian Education Act funds will definitely signal a lack of committment and responsibility on the part of the United States Government to assist Indian Tribes and People in improving their lives.

The Zuni Board of Education is grateful for having been provided the opportunity to present this statement before the Perkins' Oversight Hearings on Title IV Indian Education and respectfully requests that the United States Congress authorize the continued funding for the Title IV Indian Education Act.

Mr. KILDEE. Thank you, Mr. Lewis.

Mr. Archie Mason, Indian education director, Tulsa public schools, Tulsa, Okla.

STATEMENT OF ARCHIE L. MASON, JR., INDIAN EDUCATION DIRECTOR, TULSA PUBLIC SCHOOLS, TULSA, OKLA.

Mr. MASON. Thank you, honorable chairman and distinguished members of the Elementary and Secondary Subcommittee of Education and Labor. My name is Archie Mason, Jr. I am the project director of title IV, Tulsa public schools.

I am grateful to the committee for allowing me the opportunity to express my concerns regarding the impact of the administra-

tion's plan of rescissions and termination of title IV, the Indian Education Act.

I bring with me the consensus of many of my peers in Oklahoma and reflections of others throughout Oklahoma interested in Indian education who cannot be here. I do have written testimony to present and have presented it.

Mr. KILDEE. It will be made part of the record without objection.

Mr. MASON. The impact of the administration's plan of rescissions and termination of title IV, the Indian Education Act, would be tragic. The administration's plan to reduce the fiscal year 1983 title IV by $16.1 and plan to zero-fund title IV for the fiscal year 1984 is irresponsibly unacceptable.

Unfortunately, during this crisis time, feelings from those of us in the field are that the energies necessary to encourage our Congress to reject the administration's plan to terminate title IV must come from us.

It is my understanding that our U.S. Office of Indian Education has no permanent director, nor does the National Advisory Council on Indian Education have enough members appointed by the President to establish a quorum. This obviously leaves a void in leadership and advocacy at a most critical time for the Indian Education Act.

Our Tulsa title IV-A project has been successfully functional since October 1973, and is the largest title IV-A grantee in the State of Oklahoma. The project has 3,435 Indian students enrolled in kindergarten through the 12th grade.

I have been an active participant in title IV-A since serving on the first parent advisory committee. I had a part in the development of the first proposal sent by the Tulsa public schools. Thus, I have observed and been a part of the Indian education program in Tulsa since that time.

True, we are representatively the urban Indian, the human cultigens, and representatives of a uniqueness of the Oklahoma Indian and of the Indian who has relocated in our area; that uniqueness sometimes overlooked by those outside of Oklahoma and sometimes overlooked by those who are not aware of the urbiculture present.

However, educational needs do exist. There are special educational and culturally related academic needs of Indian students, our Indian children.

We have experienced some very positive thrusts and accomplishments since our beginnings. Yet, we know that 10 years of title IV in our district, or any district anywhere, is not sufficient time to even infer that title IV is meeting all the special educational and culturally related academic needs of our children in the public schools, as the administration has addressed.

We are not saying that we have succeeded in Indian education. We are sincerely attempting to meet the needs of our students the best we can with what we have. Those needs, the special acquisitions of knowledge necessary to survive in today's fast-pace society and economy, must be obtained through education.

Tulsa has been extremely fortunate to have a most compatible LEA. This is one of many reasons for our success. We have increased the number of Indian students successfully completing the high school experience, increased the awareness and sensitized the

district to the Indian, and increased the Indian parents' involvements and visibilities in school-related matters and school business.

We feel we have been one of the many causes for their activities in the greater metro area. We also feel that we have had an impact on the raising of the self-esteem of our students. Self-esteem is directly related to academics, behaviors, productivities, attitudes, attendance, and health and nutrition.

Should the administration succeed with their proposed rescissions and termination of title IV, the Indian Education Act, the Tulsa project would obviously cease. Even if funding is reduced, a dramatic decrease of services and services rendered will exist.

A solid guidance and counseling component, which has been effective since the beginning, would probably revert back to a "crisis only" type of service.

Our cultural programs would be curtailed, and all the efforts and energies utilized in development of curriculum and implementations of these programs would be reduced severely. Our support services, which have grown and have been recognized by students, parents, schools, and community would cease.

The administration's position is that title IV has done such an excellent job that the Indian children who are now the eligible recipients of title IV could be absorbed and receive services through other Federal programs such as chapter I, chapter II, bilingual ed., et cetera. These programs may find the unique special educational and culturally related academic needs of our Indian children very difficult to meet.

The Tulsa Indian students who are eligible for services under other Federal programs are receiving those services; we are not duplicating services, and I would say that those peers I am representing are not duplicating services, either.

Unfortunately, the economic conditions within the State of Oklahoma, and therefore the Tulsa public schools, are not substantially sound enough for either of the entities to financially support Indian education as we know it.

The State of Oklahoma in 1982–1983 received $9.6 million based on 69,070 title IV Indian students, though there are 74,000 Indian students eligible for title IV in Oklahoma.

The opportunities for improving the quality of life and education for our Indian children and adults through the Indian Education Act are tremendous. However, many challenges which have successfully been met have led us to numerous challenges still remaining.

I believe, as a professional educator who happens to be an American Indian, that our Indian children still need and deserve the assistance and support of our Government to better prepare for the rest of the 1980's, 1990's and 2000's. The American Indian people are survivors.

Our children are our future. They are the extensions of our ancestors and their teachings and wisdom. Tomorrow's Indian will need to know far more in our future of high technology. Education of our young is our most important goal. I do not want to think all the progress will cease and conditions revert back to pre-1972 attitudes and approaches to Indian education.

In conclusion, I would ask the subcommittee to consider the following recommendations:

One, continued Federal support and appropriations and continuance of title IV, the Indian Education Act, at least at the $62.247 million level.

Two, support H.R. 11, the reauthorization of title IV, as well as certain other education programs through 1989.

Three, ask for immediate presidential appointments for a permanent director of Indian education programs and completion of membership of the National Advisory Council on Indian Education.

Finally, No. 4, request the U.S. Office of Indian Education Programs be more communicative with us in the field and with our LEA's.

Thank you.

[Prepared statement of Archie Mason follows:]

PREPARED STATEMENT OF ARCHIE L. MASON, JR., PROJECT DIRECTOR, TITLE IV-A, TULSA PUBLIC SCHOOLS

Honorable Chairman and distinguished members of the Elementary and Secondary Sub-Committee of Education and Labor. My name is Archie L. Mason, Jr. I am the Project Director, Title IV-A, Tulsa Public Schools. I am grateful to the Committee for allowing me the opportunity to express my concerns regarding the impact of the Administration's plan of recissions and termination of Title IV, the Indian Education Act. I bring with me the consensus of many of my peers in Oklahoma, and reflections of others throughout Oklahoma interested in Indian education.

The impact of the Administration's plan of recissions and termination of Title IV, the Indian Education Act, would be tragic. The Administration's plan to reduce the fiscal year 1983 Title IV budget by $16.1 million, and plan to zero fund Title IV for fiscal year 1984 is irresponsibly unacceptable. Unfortunately during this crisis time, feelings from those of us in the field are that the energies necessary to encourage our Congress to reject the Administration's plan to terminate Title IV must come from us.

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True, we are representatively the urban Indian, the human cultigens, and representative of a uniqueness of the Oklahoma Indian and of the Indian who has relocated in our area; that uniqueness sometimes overlooked by those outside of Oklahoma and sometimes overlooked by those who are not aware of the urbiculture present. However, educational needs do exist. There are special educational and culturally related academic needs of Indian students, our Indian children.

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and visibilities in school related matters and school business. We feel we have been one of the many causes for their activities in the greater metro area. We also feel we have had an impact on the raising of the self-esteem of our students. Self-esteem is directly related to academics, behaviors, productivities, attitudes, attendance, and health and nutrition.

Should the Administration succeed with their proposed recissions and termination of Title IV, the Indian Education Act, the Tulsa project would obviously cease. Even if funding is reduced a dramatic decrease of services and services rendered will exist. A solid guidance and counseling component, which has been effective since the beginning, would probably revert back to a "crisis only" type of service. Our cultural programs would be curtailed, and all the efforts and energies utilized in development of curriculums and implementations of these programs would be reduced severely. Our support services, which have grown and have been recognized by students, parents, schools, and community, would cease.

The Administration's position is that Title IV has done such an excellent job that the Indian children who are now the eligible recipients of Title IV could be absorbed and receive services through other federal programs such as Chapter I, Chapter II, Bi-lingual Ed., etc., may find the unique special educational and culturally related academic needs of our Indian children very difficult to meet!

The Tulsa Indian students who are eligible for services under other federal programs are receiving those services; we are not duplicating services, and I would say that those peers I am representing are not duplicating services either. Unfortunately, the economic conditions within the State of Oklahoma, and therefore the Tulsa Public Schools, are not substantially sound enough for either of the entities to financially support Indian education as we know it. The State of Oklahoma in 1982–83 received $9.6 million based on 69,070 Title IV Indian students, there are 74,000 Indian students eligible for Title IV in Oklahoma.

The opportunities for improving the quality of life and education for our children and adults through the Indian Education Act are tremendous. However, many challenges which have successfully been met have led us to numerous challenges still remaining.

I believe, as a professional educator who happens to be an American Indian, that our Indian children still need and deserve the assistance and support of our Government to better prepare for the rest of the 1980's, 1990's, and 2000's. The American Indian people are survivors. Our children are our future. They are the extensions of our ancestors and their teachings and wisdom. Tomorrow's Indians will need to know far more in our future of high technology. Education of our young is our most important goal. I do not want to think all the progress will cease and conditions revert back to pre-1972 attitudes and approaches to Indian education.

RECOMMENDATIONS

The following recommendations are presented to the Sub-Committee for their review and considerations:

1. Continued federal support and appropriations and continuance of Title IV, the Indian Education Act, at least at the $62.247 million level.
2. Support H.R. 11, the re-authorizing of Title IV, as well as certain other education programs, through 1989.
3. Ask for immediate Presidential appointments for a permanent Director of Indian Education Programs and completion of membership of the National Advisory Council on Indian Education.
4. Request the U.S. Office of Indian Education Programs be more communicative with us in the field and with our LEA's.

Mr. KILDEE. Thank you very much, Mr. Mason, for your testimony.

Mr. Kogovsek.

Mr. KOGOVSEK. I have no questions, Mr. Chairman.

Mr. KILDEE. Mr. Packard.

Mr. PACKARD. No questions, Mr. Chairman.

Mr. KILDEE. We thank the panel, you have been very, very helpful to us today. We appreciate this, and again, your testimony will be summarized by us and given to Mr. Yates. We hope that you, too, will have access to Mr. Yates' subcommittee on this.

Thank you very much. Thank you for being here.

Our next panel, and our last panel, will consist of Ms. Rosemary Christensen, Minneapolis public schools, Indian education section; Mr. Don Beach, superintendent, Coeur d'Alene Tribal School, Desmet, Idaho; Ms. Karen Fenton, director of the National American Graduate Fellowship Program, Montana State University; and Mr. Lloyd Elm, former Grant Officer, title IV, Office of Indian Education, Department of Education.

Mr. Christensen.

STATEMENT OF ROSEMARY CHRISTENSEN, MINNEAPOLIS PUBLIC SCHOOLS, INDIAN EDUCATION SECTION

Ms. CHRISTENSEN. Good morning. I have submitted testimony which I would like to be part of the record, and I would like to summarize what I have written.

I am an enrolled Chippewa from the Lake Superior Band, enrolled in the tribe of my father in Mo Lake, Wis., although I was raised at Bad River, which is also in Wisconsin, the band of my mother.

Fourteen years ago this month, I submitted testimony to a subcommittee of Congress. Following that testimony and the testimony of other Indian people, the Indian Education Act of 1972 was written. I am always amazed at what goes on by the grace of Congress and it seems unusual that of those 14 years, as I told my mother not too long ago, my hair is grayer than hers and frequently I feel old and sad because of the kinds of things that go on in Indian education.

I appeared before that subcommittee, very young, naive, full of hope, and I guess I had an understanding that Congress, in its wisdom, would do what is right because of the kinds of things that happened in Indian education in that past.

The name of that report was called "The National Tragedy and the National Challenge." The kinds of things that were said in that report obviously have been worked on during these past 14 years, but the time has not yet come, I do not think, for us to assume that everything is well in Indian education today.

In my testimony, I cover at least one program in Minneapolis that I consider to be an appropriate outgrowth of the title IV funds. What I want to talk about this morning is really three points. The first is that there is a great deal of need for more learning research. If we are going to continue to make the kinds of gains that we must have in Indian education, we must consider Indian education as long range, just the way education is considered long range for the rest of the country.

In order to do that, we must have decent research, and we do not have very much. Obviously, Indians have been researched for years, but they have been researched by anthropologists and non-Indians and have not had the sensitivity that I believe Indian researchers do.

So, I really think we need to carry on Indian research, and we need to do it for a longer period of time than we have.

In Minneapolis public schools, we are presently conducting a mobility study. I believe that the biggest problem Indian students have in the public schools is mobility. They move between schools

within our district, as well as between schools on the reservation and in the city.

I also believe that the definition of "supplemental," as we see in the legislation, is something that we are only just learning to manage. In the Minneapolis public schools, we are currently redefining "supplemental." By that, I mean that we have had a program for the past 5 or 6 years where we provide social-worker aides to the district. We have now told the district that this particular service is no longer supplemental, it must be institutionalized as a regular part of district operations.

Therefore, the district must pay for it as far as funds are concerned, and title IV must go on to some of the other big problems that we have in Indian education in the district.

The third thing is that we need to define and redefine what "cultural needs" mean. When we first talked in 1969 about the needs for Indian education, we talked about the cultural needs that Indian students have. I suppose it is because we were in a sense naive and in a sense because educators look for the quick and dirty answers instead of for the long range answers, but the way we defined "cultural needs" was insufficient.

We are groping at this particular time for how to define cultural needs. We are right at the verge of actually making some differences and looking for cultural needs.

I can give you one example that cuts across all kinds of problems in the schools and that has to do with math. We are very interested in the Minneapolis public schools to increase math and reading skills among Indian students.

Now, Indian students are not stupid. They are smart little kids just like anybody else. We found that out in our summer schools, but they have some special needs and they are behind in math and they are behind in reading although this year, for the first time, Indian students in the eighth grade are a little above the norm in math.

The superintendent, of course, asked me what was the reason for this and I said because I take care of the Indian kids, and of course, that is why they are getting up there a little higher.

But we do know that the reason that they are increasing their achievement skills is because of title IV and the special programs we have and because of the dynamic and, oh, I would say, somewhat obnoxious and certainly aggressive Indian professionals that we have brought into the district.

Although we are all of that, we also realize that we must get along with the other people in the district and it is only that cooperative partnership that we can ever get anywhere.

Again, we are on the verge of trying to find out what really works. As I said, the cultural needs are very important to us. We have found, in our research in math, and it is very preliminary, that Indian children, it is possible that they learn better if you use a spiral way of teaching math instead of the linear logic that we use presently. We want to find out, first of all, and please do not ask me what that means about "spiral," because I am not a mathematician and I do not know, but what I have done is connected some math educators with the math people in our district and we are exploring that.

That is why I say that we need research. We need to look at the cultural-needs definitions. As you can see from my testimony, we have thousands of Indian children in the district; we are presently serving a large amount of the Indian children, and as maybe a final comment, I would like the subcommittee to realize that this has been said by other people, that urban Indians need to be served as well as reservation Indians.

Those lines that separate us are white-man made; they are not Indian made. I came from, as I said, Wisconsin, and before that, my grandmother came from Michigan, but that all happened before these little lines were made. I think that is silly to say that reservation Indians are different than urban Indians. We are not. We are all Indians. We have some real needs that are just hardly being met by title IV, and it would be not only silly, but not very practical to cut off title IV when we are just about on the verge of finding some real ways of meeting the needs of Indian children.

I thank you.

[Prepared statement of Rosemary Christensen follows:]

PREPARED STATEMENT OF ROSEMARY CHRISTENSEN, DIRECTOR, MINNEAPOLIS PUBLIC SCHOOLS, INDIAN EDUCATION SECTION, MINNEAPOLIS, MINN.

For the past seven years I have worked in the Minneapolis Public Schools where I am Director of Indian Education. The Minneapolis Public Schools enroll more than 2,000 American Indian children. These children are enrolled at 48 different elementary, junior high, and senior high school buildings and at the variety of special education sites. They are members of 47 different Indian tribes, although about 80 percent are Chippewa and another 8 percent are Sioux.

In Minnesota, 52 percent of the Indian student population attend schools in the urban area. Although these children live away from their reservations, they are enrolled members of their tribes, they do have special academic needs, and they are entitled to special assistance.

I have always understood that goals such as increasing achievement, decreasing dropout rates, integrating the curriculum, and increasing Indian parent involvement are long range in nature. As an administrator, I have worked to provide the leadership and continuity to allow those goals to be addressed. It has been interesting to see Title IV develop as both Indian parents and the schools have come to understand its true potential. I have seen people struggle with the definition of "supplemental," for Title IV is to be supplemental to all other services provided by the schools. At first supplemental was defined by the Indian community as a variety of ad hoc classes and clubs in which arts, crafts, and culture were taught. After a time, I saw supplemental redefined to mean programs of direct service to increase attendance, math, and reading skills. Right now, I believe I am seeing supplemental once again redefined. The new meaning will, I believe, come to include indirect service whereby Indian educators will provide the research and information to allow non-Indian school personnel to develop strategics and interventions which reach Indian children. This process of definition and redefinition has come about through trial and error as Indian people applied a variety of approaches to address the long range goals. In a sense, this short ten year history of educational self determination has made us realize that the easy answers don't work. It has made us realize how little we know and how much we still must learn if we are to see large scale changes in Indian student performance in the schools. Above all, it has made us realize that we must work cooperatively with non-Indian school personnel.

Yet, there are some indications that Title IV is beginning to produce the desired effects. Before Title IV was available to focus resources and attention on the education of Indian students in Minneapolis, the dropout rate was about 65 percent. A study published in 1978 indicated that the rate for Minneapolis Indian students had been reduced to 51 percent. Plans are underway to replicate that longitudinal study. Early indications are that the dropout rate for Indians has been further reduced since 1978. During 1981-82, the annual dropout rate for Minneapolis Indian students was 15.3 percent of the K-12 enrollment.

Indian student achievement is still below that of White students in Minneapolis. Yet, in the past three years, a definite trend toward improved test results in both math and reading has been documented. This year for the first time since achievement has been monitored by ethnic groups, test results indicate Indian student performance, on the average, is higher than that of Black students in Minneapolis.

Also encouraging is the commitment the Minneapolis Public Schools has made to Indian children. I am a member of the Superintendent's Planning Council. The district's newly adopted 5-year plan speaks often and clearly about the needs of Indian children. Indian Education Section staff members serve on a variety of district committees making key decisions about the organization and quality of educational services which will be available in Minneapolis for years to come.

I would like to tell you about one Minneapolis Title IV program, the North Wind Warriors. I choose this program because its development over the years reflects the changing attitudes and understandings of our Indian community. The North Wind Warriors is a program for gifted and talented Indian students. The name was chosen because it reflects important Ojibwe traditions. By definition, a warrior is one who neither exults over good fortune nor whines over bad, taking both circumstances simply as challenges from which much is gained. The North Wind is the brother of Winnabozho, and a very smart warrior. He is like a very bright idea. It is fitting that our program honor his name.

The North Wind Warriors program began in 1977 in response to a community needs assessment which indicated concern that bright Indian students were not completing high school at any greater rate than were their less bright peers. North Wind was created as an intervention program to assist bright students. It was not designed, however, to serve all bright Indian students since it was clear that some were making it without our special assistance. As a pilot project, we needed to sort out who needed this service and how we could best offer support. At the time, there were no precedents for the teaching of gifted and talented urban Indian students.

At the start, we wanted a program that would be unique. We sought advice from various Indian staff and parents. We tried to have an open-ended definition of gifted and talented to ensure cultural relevance. In the first year, the program included children in grades 1 through 12. We hoped for a cross age learning effect that would incorporate the Indian extended family model. Including Indian values in the selection criteria rather than relying on IQ tests, teacher recommendations, grades, or achievement tests, students were chosen through a process which included peer identification, teacher validation, and parent approval. Every year since, we have honed the selection process, eventually eliminating peers and teachers and including achievement tests in math and reading. The current program allows parents to nominate children with average or above average scores.

Requirements for admittance have become more stringent over the years. Because of the needs of the students, the program has become more tightly structured. The program now is advertised as an academic one, concentrating in the basic skills and helping students to build conceptual frameworks. Good attendance is mandatory. Homework is an expected part of the study load as is family participation. Parents are expected to be active in their children's education. Students with chemical use or severe behavior problems are expected to get help. People not serious about education are not solicited for this class.

North Wind started out as a first through twelfth grade program. We found there was no way to successfully teach a class that was so heterogeneous. At present, the program serves 15 Indian students in grades three through six. This focus allows us to concentrate on filling the learning gaps, providing enriched experience, and ensuring a solid foundation which will allow the children to compete academically in the regular district programs when they leave North Wind.

Teacher selection has also been a developmental process. Every year we search for an Indian teacher. We began the program with an Indian teacher, certified K-12, from outside the district and no gifted teaching experience. When that teacher left, we hired another Indian teacher, certified K-6, with some experience in our district, but no gifted background. Finally, we hired a non-Indian certified K-6 teacher, with many years experience in our district and a background in gifted education. We have learned that being familiar with the resources of the school district and having a background in gifted education are the essential requirements for the North Wind teacher.

We have also learned over the years that communication and support from parents is a vital ingredient. Home stability stands out as essential for a student to do well in the program. Each year we have attempted to involve parents through open houses, home visits, and homework assignments. The current program includes regular parent-teacher conferences, parent volunteers in the classroom, and finally a

parent support group facilitated by a psychologist from the Indian Health Board of Minneapolis.

Over the years, North Wind has provided quality service to over 60 bright Indian students. It has also taught us much about how to structure interventions that make a difference with Indian children. Finally, it has given us the background we need to participate and influence the entire school district as it plans new methods of identification of the gifted and new programs to serve them.

Our North Wind Warriors program is an excellent example of why Title IV is so important. It allows not only for direct service to youngsters, but also for the applied research which is needed if we are to learn what the term "cultural differences" means in terms of learning styles and school motivation. It is unlikely that there will ever be enough Indian educators in the public schools. We must assist non-Indians to do what must be done for our children. If we are to help non-Indians, we must how what works. We must be able to demonstrate our successes. The ten years of Title IV's existence has been a start, but ten years is not enough. We desperately need continued support for programs through which Indian children are served and through which school districts can learn about this very special group of children.

Mr. KILDEE. Thank you very much. You mentioned that your grandmother came from Michigan. We have many good Chippewa people in Michigan.

Ms. CHRISTIANSEN. Yes.

Mr. KILDEE. Thank you very much for your very fine testimony.

Our next witness is Mr. Don Beach, superintendent, Coeur d'Alene Tribal School, Desmet, Idaho.

STATEMENT OF DON BEACH, SUPERINTENDENT, COEUR D'ALENE TRIBAL SCHOOL, DESMET, IDAHO

Mr. BEACH. Good morning, Mr. Chairman.

My name is Don Beach, I am superintendent of the Coeur d'Alene Tribal School, the Coeur d'Alene Tribe of Idaho. I serve as a member of the board of directors of the Association of Contract Schools and since 1976, I have been, and still am, the project director of our title IV educational development project for the Coeur d'Alene Tribal School.

I feel that it is imperative that Title IV Indian Education Act of 1972 be continued. Specifically, title IV is largely responsible for the success of our Coeur d'Alene Tribal School. Through the application of title IV part A establishment funds, our school is able to embark on an educational development project that has enabled the parents and the students to conceive and develop the self-concept that they feel is necessary to increase the awareness of the education of the Indian children.

There is also an intensive cultural awareness that has included the development of relevant curriculum that is essential to increase their academic accomplishments.

I feel that the continuation of the title IV entitlement and enrichment programs is vital to our Indian children. I would like to have my written testimony submitted later.

[The information follows:]

PREPARED STATEMENT OF DON BEACH, SUPERINTENDENT, COEUR D'ALENE TRIBAL SCHOOL, DESMET, IDAHO

Good morning, Mr. Chairman and members of the House Education and Labor Committee. My name is Don Beach. I am Superintendent of the Coeur d'Alene Tribal School, Coeur d'Alene Tribe of Idaho, and I also serve as a member of the Board of Directors, Association of Contract Schools and Tribally Controlled Schools. Since 1976 I have and still am, the Project Director of the Title IV Educational De-

velopment Project for the Coeur d'Alene Tribal School. I feel that it is imperative that Title IV, Indian Education Act of 1972, be continued. Specifically, Title IV is largely responsible for the success of the Coeur d'Alene Tribal School. Through the application of Title IV, Part A Establishment funds, our school was able to embark on an educational development project that enabled the parents and students to conceive and develop the self-concept they feel is necessary for their increased awareness of education of Indian children. There is also an intensive cultural awareness that has included the development of relevant curriculum that is essential for the increased academic awareness and accomplishments.

During the several years of Title IV's existence, the Indian community has made genuine achievements in the education of Indian students. I find it extremely difficult to think that there is no longer a legitimate need for the countinued educational services afforded by Title IV. The continuation of Title IV entitlement and enrichment program is vital to our Indian children. Thank you.

STATEMENT OF KAREN CORNELIUS FENTON, DIRECTOR, NATIVE AMERICAN GRADUATE FELLOWSHIP PROGRAM, MONTANA STATE UNIVERSITY

Mr. KILDEE. Ms. Karen Fenton, director of the Native American Graduate Fellowship Program, Montana State University.

Ms. FENTON. Good morning, Mr. Chairman, and committee members. My name is Karen Cornelius-Fenton and I am an enrolled member of the Flathead Tribe of Montana, although I am enrolled in my mother's tribe. My father is a full-blooded Oneida from Wisconsin.

Today I am speaking to you, not as a program director necessarily, but as a member of the board of directors for the Montana Indian Education Association and as a concerned Indian parent.

Incidentally, I was also recently elected to the National Indian Education Association and serve as their second vice chairman.

As a parent and educator, I am not only truly concerned about the current trend for education of our Indian people, but I am really appalled at the idea that they would look for the elimination of these vital programs, such as title IV.

Should the administration's proposed rescission of funding appropriated for title IV, with the phaseout of all programs for fiscal year 1984 be approved, Indian students throughout this country will suffer a serious disservice. This proposed rescission and eventual phaseout of title IV programs will have disastrous consequences on Indian children and adults presently receiving educational services from the Office of Indian Education, Department of education.

When the Higher Education Act of 1972, with the inclusion of the Indian education amendments was signed into law on June 23, 1972, we saw the beginning of a new era in the education of Indian people. The progress that has been made over the past few years in Indian education, I feel is just phenomenal. However, even though we have seen a great deal of progress, we have really only scratched the surface.

Dr. Robert Swan, in a speech, or in his keynote address to the 1982 Montana Indian Education Association Conference, held last fall in Montana, entitled his speech, "A Decade of Changes—The Amazing 1970's," and I think this is so very meaningful to all of us in the field of education because it had a very relevant title and I think in the 1970's, with the passage of the Indian Education Act,

we saw far more progress and achievement in Indian education under Indian control than ever in the history of this country.

This period is better known to all of us as a period of self-determination. The 1970's truly were a decade of change for the American Indian, not only educationally, but culturally, economically, and politically.

With this new legislation and additional appropriations, Indian people were finally given the opportunity to plan relevant educational programs and to establish their own education priorities that would enhance and/or meet their diverse educational needs.

The 1970's actually was kind of my beginning in the field of Indian education, too. I had taught in public schools for a period of years and schools where there were no Indian children, and in 1973, I assumed the directorship of a BIA tribal contract program known as the human resources development program, and basically what that was was a contract with the BIA to administer all of our education and employment programs.

In the first year that I was there, a group of us worked to develop a program under title IV to begin a tribal alternative school and this proposal grew out of the realization that the schools on our reservation, and the Flathead Reservation is a small reservation and a very unique one in that only approximately 16 percent of our reservation population is Indian population.

Our students are basically very much in the minority in these public school systems. The excessive dropout rate, we felt, was due to the ineffectiveness and the irrelevancy of the public school curriculum and the apathetic attitudes of school personnel.

In essence, what we felt, what is always called the "drop-out," we felt was, in reality, a "pushout." We believed that the educators had not really adhered to their responsibility to bring about an understanding and appreciation for the American Indian people.

I saw this a great deal in my early visits on the reservation to the seven high schools that we at that time had. Since that time, one has closed because of lack of enrollment. But I was really dismayed and again really very appalled. When I would go out to the public schools to talk to "certified" personnel who are supposed to understand children, I was amazed to find the reaction that I got from many of the public school people in regard to our children.

You could walk into those schools and the majority of the students in special ed classes were Indian students. They were only put there because maybe the basic curriculum was not really relevant to them, there were any number of reasons why I think this happened.

But the thing that has always stuck out in my mind is, in one of our largest schools that I visited, after talking with the students and apprising them of the things that were available through our program, how we could help them with their financial aid packages and that type of information, I talked with the counselor. I asked her if she would please notify us if there were any particular problems, at any time that we could maybe assist with any of the Indian students and her comments to me were something along the line of that they were all problems and they were not worth working with.

Because we were a new program, I did not want any kind of confrontation so I kind of let it slide, but I saw that in the years that I was there, that many of our students were facing that type of attitude from our administrative people and teachers.

The proposal for the Flathead alternative school was funded through title IV and is now a progressing tribal school. It is now known as the Two Eagle River Tribal School. The pride in the students of that school is amazing and they were the ones who named it the Two Eagle River School because of the tree behind the school that has two eagles in it and they felt that that was an appropriate name.

At one time, we had a few people visit our school, and I cannot even remember what year that was now, but it was—for us, it was really something to be able to show off what we thought was a successful school.

At best, the enrollment is still somewhat sporadic, but they now have approximately 70 students and the Indian community has taken a great pride in what they are doing and there is a great deal of community involvement.

At the current time in Montana, there are 35 Montana public schools that are receiving approximately $1,847,000 of part A funds alone to provide supplemental education services to 10,349 eligible Indian students.

We have 7 reservations in Montana serving 10 distinct tribes and each of those reservations has substantially large Indian enrollments, with the exception of Flathead.

Also, we have a great many students enrolled in the urban schools. Our urban schools are fairly small in comparison to the East, but we consider them urban. Great Falls, for example, has the second largest Indian enrollment of any school, of any public school in the State of Montana, second only to Browning.

I realize that many people talk about, well, you all have Johnson-O'Malley funds to help with your supplemental programs. At best, the Johnson-O'Malley funds just kind of barely scratch the surface in funding our reservation programs, but they do nothing, absolutely nothing, for our urban programs, and with a large student population like there is in Great Falls, and the large student population in Billings and some of the other places, if we did not have the title IV funds, the part A entitlement funds, our dropout rates in those school systems would just be out of sight.

It had been in Great Falls for many years. I cannot give you the exact figures on the Great Falls School System, but I think that when you look at the situations that many of those students in the Great Falls systems come from, for those of you who do not know, most of the Indian students came from an area called Hill 57. Hill 57 is worse than most of the slums that you can imagine. It has been cleaned up somewhat in the past years with some of the Federal funds that have been generated and coming into the Great Falls area, but there is still a large unemployment, the poverty is still very high, and these young people who try to make it in that public school system, feel inadequate, they feel unwanted.

Again, I think the apathetic attitudes of the school personnel led to their excessively high dropout rate. With the inception of their title IV part A program, they now have probably one of the, and I

am biased, I think they have one of the better programs in the country, probably, as far as meeting the needs of an urban area such as Great Falls. They have a fantastic home-school coordinator program, they have a tutoring program, they have a nice resource center that is open to the public, as well as always available to the Indian students.

Loss of title IV funds to an urban area such as Great Falls would be truly just disastrous, and I think that if we look at another example of the hardships that some of those urban students have to face, dental care, any type of Indian health facilities, they have to go at least 125 miles to reach the nearest public health service installation.

In looking at a school like Great Falls, I think there are probably only one of the many success stories nationwide, as well as in Montana. I am zeroing in pretty much on part A because that is what I was requested in my letter and I really have not worked that much with part A programs, but I am aware of what some of the schools are doing.

I think another prime example of a fantastic, almost unbelievable story as far as the success story of a small high school on a reservation is the Rocky Boy Tribal High School.

When they were first organized in 1979 under the auspices of the Chippewa-Cree Tribal Education Committee, their students at that time were traveling anywhere from 30 to 60 miles a day to the public schools off-reservation. The dropout rate was anywhere from 40- to 50- to 60 percent, depending upon the school.

There was no chance for any kind of athletic activity or any other activity. There was no opportunity for Indian parental involvement. The people in the Rocky Boy school area began to see the real need, and I think, just to make a long success story short, Rocky Boy now, after 3 years, has an accredited school, they have documented attendance of a 94 percent rate, they have, as of this particular time, and come spring it may change, but they have a zero dropout rate.

I think that, you know, those kinds of statistics look overwhelming, but I think they are very important when you consider what would happen if the title IV are taken away. What would happen to Rocky Boy? What would happen to Great Falls?

The other concern that I have, and as a program director, I guess this is a definite concern. In Montana, we currently have three EPD programs under part B. Two of them are teacher training programs, one on the Blackfeet Reservation; one in Great Falls, and one in the graduate program at Montana State University.

These programs have become real feeder programs for the Indian education on our reservations. We have currently—the students who have graduated from the MSU Fellowship program, the majority of them have gone back to the reservations. Many of them are teaching; many of them are now assuming leadership roles in administration. Without those types of programs, we do not have the opportunity for our Indian people to gain the graduate level courses and the degrees that they need.

I think that if we lose some of these programs, it is a detriment not only to Montana, and I have used Montana specifically because I am speaking as a MIEA Board member, and my concern is that

the loss of these funds will have a great impact on States like Montana, who have large Indian populations.

I think the American people and the Congress have long recognized the need to improve the educational status of American Indians, and every treaty entered into between Congress and the tribes has some type of provision for eduational services.

I strongly believe that only through effective education can we realize our economic self-sufficiency which seems to be the real push of our particular administration at this time. It is economic self-sufficiency.

Thank you.

[Prepared statement of Karen Cornelius-Fenton follows:]

PREPARED STATEMENT OF KAREN CORNELIUS-FENTON, DIRECTOR, NATIVE AMERICAN GRADUATE FELLOWSHIP PROGRAM, MONTANA STATE UNIVERSITY

Good morning. My name is Karen Cornelius-Fenton. I am an enrolled Member of the Confederated Salish-Kootenai Tribes of Montana, having been enrolled in my mother's tribe; however, my father is full-blooded Oneida.

I am speaking to you today as a member of the Board of Directors for the Montana Indian Education Asssociation and as a concerned Indian parent; conincidentally, I was also recently elected to the National Indian Educational Association and serve as the 2d Vice President.

As a parent and educator I am not only truly concerned but appalled at the current trend for the education of our Indian people. Should the Administration's proposed rescission of funding appropriated for Title IV for Fiscal Year 1983 with phaseout of all programs for Fiscal Year 1984 be approved by Congress, Indian students throughout the country will suffer a serious disservice. This proposed rescission and eventual phaseout of the Title IV program will have disastrous consequences on Indian children and adults presently receiving educational services from the Office of Indian Education, Department of Education.

When the Higher Education Act of 1972 with the inclusion of the Kennedy Amendment, Title IV, Indian Education, was signed into law on June 23, 1972. we saw the beginning of a new era in the education of Indian people. The progress made in Indian education during the past ten years is phenomenal. However, even though we have achieved a great deal, we still have only "scratched the surface," so to speak. Dr. Robert Swan, in a speech given at the 1982 Montana Indian Education Association Conference held last fall entitled his speech "A Decade of Changes—The Amazing 70's". I think that he chose a very relevant, meaningful title; during the 70's with the passage of the Indian Education Act, we saw far more progress and achievement in Indian education under Indian control than ever in the history of this country. This period is better known to all of us as the period of self-determination. The 1970's truly were a decade of change for the American Indian—not only educationally but culturally, economically, and politically. With this new legislation and additional appropriations, Indian people were finally given the opportunity to plan relevent educational programs, and to establish their own education priorities that would enhance and/or meet their diverse educational needs.

1971-72 saw my tenure in the field of Indian Education commence. I was employed for approximately one year as the education coordinator for Tri-State Tribes, ICAP; in that capacity I worked primarily with adults. I resigned from that position to assume for a brief period of time the position of Special Services Counselor for Native American Studies at the University of Montana. In early February, 1973, when I assumed the position of Director, Human Resources Development, for the Confederated Salish & Kootenai Tribes. Human Resource Development was the Tribe's contract name for Tribal Education and Employment Program. In my seven and one-half years in that position, I saw some exciting progress made in the field of Indian Education. During my first year, a small group worked assiduously to develop a proposal for submission to, then HEW, for Title IV funds to begin a Tribal Alternative school for high school age students. The proposal grew out of the realization that the excessive Indian drop-out rate was due to the ineffectiveness and irrelevancy of the public school curriculum and apathetic attitudes of school personnel. We determined that the Indian student drop-out was in reality a "push-out".

We as native Americans do not believe educators have adhered to their responsibility to bring about an understanding and appreciation for the American Indian

people. Good evidence of this is the low self-esteem of native American students and high drop-out rates.

In my early school visitations to apprise students and personnel of the services available to them through our program, I was, for the most part, appalled and dismayed with the attitudes—some being downright racist—of many of those so-called certified counselors. In fact, at one school, I had a counselor blatantly tell me that "they were all problems and not worth bothering with" when I asked that if there were any specific student problems, our office be notified and that we would help in whatever way possible.

Our proposal for the Flathead Tribal Alternative School, now known as the Two Eagle River School, was approved, and we were granted funds to begin this innovative program for the high school age youth of our reservation. Our early enrollment was small and erratic at best. However, they now have a regular enrollment of approximately seventy (70) students. The community involvement through Indian control has made the program successful and one that the Tribal Members can look to with pride.

At the present time, 35 Montana public schools are receiving $1,847,382 of Title IV, Part A funding to provide supplemental educational services to 10,349 eligible Indian students. Montana has seven reservations serving ten tribes; each of those reservations has substantially large Indian enrollments in the public school systems, as well as all, or predominantly large, Indian enrollment in contract/tribal schools. However, we also have many Indian students enrolled in the public schools of some of Montana's major urban areas. Great Falls, for example, has the second largest enrollment of Indian students in Montana, more than six of the seven reservations; many of these students are in constant migration to and from the reservations.

True, the reservations all receive Johnson O'Malley program funds, but at best, the funding is not at a level adequate to meet the special and unique educational needs of the Indian children enrolled in the reservation schools. However, Johnson O'Malley funds serve only those schools on or immediately adjacent to the reservations. What then happens to those students in schools not in the allowable Johnson O'Malley service area? Also, though Johnson O'Malley funding provides services similar to those of Title IV, they certainly do not allow for the flexibility of the Title IV programs; this program flexibility and versatility allows Indian people and their tribal organizations the opportunity to assume a greater responsibility for the direction of their own educational needs, the opportunity to develop innovative programs which will best meet the unique needs of each reservation, as well as each school.

Let me go back to the areas out of the service responsibility of Johnson O'Malley. Because of its large Indian enrollment in the public schools, I will use Great Falls as an example. As I stated earlier, Great Falls has the second largest enrollment of Indian students in Montana, second only to the Browning Public Schools. Prior to the passage of Title IV, the Indian dropout rate in the Great Falls Public School system was astronomical; the majority of these students come from an area better known as "Hill 57". On Hill 57, Indian people lived in situations far worse than many of the slums of our larger cities; unemployment was excessive. For those young people who tried to make it in the public school system had no encouragement, no real programs to meet their special needs. Those situations, coupled with the apathetic attitudes of the majority of the school personnel, led to the excessively high drop-out rate.

With the inception of the Title IV programs, Part A entitlement in particular, Great Falls now had an opportunity and financial support to develop programs to meet in the area.

Through entitlement funds, Great Falls Public School now has a very successful Indian Education program. They currently employ a number of home-school coordinators whose work crosses most of the city's cultural, social and economic boundaries; these people handle everything from social and academic referrals to one-on-one counseling sessions. These coordinators are trained to get to know the people with whom they work, and to understand backgrounds and possible problem areas. They have literally become that "someone" who can help not only the Indian child but the Indian family as a whole; they act as a liaison between home, school and community. One of the main functions of the home-school coordinator is to foster and encourage programs which can best meet the needs of the Indian pupils, programs which will ultimately make the student and his/her family feel as part of the school and community. Self-esteem, and positive self-image are important to everyone.

Loss of Title IV funds to an urban area such as Great Falls would be disastrous. It must be remembered that Native American people living in the urban areas of our country receive few, if any, of the services or cash flow provided to inhabitants of

the reservation. For example, Indian children from the Great Falls community who are seeking Indian Health assistance must go approximately 125 miles to the nearest IHS facility. We must bear in mind that over half of the Native American population in this country live off the reservation in urban areas such as Great Falls; a significant number of this population suffer the same problems as do reservation-based Indians. Many times these problems are more severe, yet they have no tribal office from which to seek assistance, advice or redress. Due to the continued cuts in federal funding on and for reservations, we will see more Indian people emigrating to the urban areas to seek employment.

Most school districts cannot afford to pay for the necessary services and programs provided by Title IV. Our Indian children have unique needs that at this point Title IV has been insturmental in meeting. Federal aid, such as Title IV, guaranteed by treaty rights, should be available to all Native Americans regardless of residence. As Indian people we should not have to relinquish our rights because of a change of address.

The Great Falls program is only one of the many Title IV success stories in the State of Montana; one that statewide we look to with pride, pride in seeing young Indians actually graduating from a school system where ten years ago it was virtually unheard of.

To give a broader perspective of what Title IV means to Montana, I would like to give you an example of a reservation success story. The Rocky Boy Tribal High School, located in the Rocky Boy Indian Reservation in North Central Montana, was funded under a 3-year Title IV; Part A (non-LEA) establishment grant for Indian-controlled schools during fiscal year 1980; the Rocky Boy Tribal High School is administered by the Chippewa-Cree Tribal Education Committee, which was organized in 1979 under the structure of the Chippewa-Cree Tribal Business Committee. The school arose from the reservation's longstanding desire for an alternative to off-reservation high schools, schools which meant a 30–60 mile bus ride, schools too far distant for student activity involvement, schools lacking Indian parental involvement, indifference of teachers and administrators, to name only a few of the disadvantages. These, among many other aspects, led to the alarmingly high 54-percent drop-out rate among the Indian population.

With the establishment of the Rocky Boy High School funded by Title IV, we now see documented evidence of a 94-percent attendance rate, 0 dropout rate to date for the current school year.

The community/parental involvement is far-reaching; they now look with a great deal of pride at their success in such a short time. The school is fully accredited; they have developed culturally relevant curricula; they have qualified Indian staff and, most important, they have successful Indian students.

The Montana Indian Education Association recognizes that by improving educational status and providing oportunities the cycle of poverty and dependency is broken. The Act is implemented by: (a) providing supplementary educational services; (b) improving the quality of services through program models, curriculum materials and teaching methods, and (c) promoting self-determination by helping Indian citizens to shape and control their own educational programs.

The American people and the Congress have long recognized the need to improve the educational status of American Indians. Virtually every treaty entered into between the Congress and the tribes contained provisions for educational services.

Only through effective education can we realize economic self-sufficiency.

STATEMENT OF LLOYD ELM, FORMER GRANTS OFFICER, OFFICE OF INDIAN EDUCATION, DEPARTMENT OF EDUCATION

Mr. KILDEE. The last witness is Mr. Lloyd Elm, Former Grants Officer, title IV, Office of Indian Education, Department of Education.

Mr. ELM. Thank you, Mr. Chairman, and members of the committee. First I would like to thank you for this opportunity to testify on the future of the Indian Education Act of 1972 as amended in 1978.

I have submitted a written testimony and request that it become part of the record. Also for the record, my name is Lloyd Elm, and at the present time, I am completing my dissertation in educational administration at the Pennsylvania State University.

However, being that the majority of my experience with the Indian Education Act involved the programs authorized under part A of the Act, my remarks will be directed primarily to this part.

From 1975 to 1981, I was employed by the Office of Indian Education as an education program specialist. During those years, I was responsible for monitoring the grants across the country. I was responsible at one time for California, for Michigan, for Oklahoma, for all the States east of the Mississippi.

However, as a professional Indian educator, I feel that I would be negligent if I did not first respond to the statements of Secretary Bell on the fiscal year 1984 budget for the United States Department of Education, dated January 31, 1983.

I was astounded to learn that the administration, through Secretary Bell, was proposing to terminate assistance under the Indian Education Act. The Secretary's statement made a reference to the overall policy of the administration regarding separate funding for Indians not on reservations.

If we are to understand this reference to mean that it is not a policy of the administration to exclude nonreservation Indians from these Federal educational services, then it becomes the responsibility of Indian educators, and the Congress of the United States, to remind the administration of at least two things.

First, the fact that many Indians no longer reside on reservations, in most part, is the result of a Federal policy that provided for the relocation of Indians from the reservation to many urban areas of this country. In my opinion, to terminate these services to these people would be no more appropriate than to terminate the citizenship rights of any other American.

In addition, this policy would suggest that nonreservation Indians have forfeited their special rights as American Indians, and this is simply not the case.

Second, the Secretary noted that "Indian students and adults will continue to be eligible for services under other programs such as chapter I, chapter II" and so forth.

If the Secretary is suggesting that the current Indian participation in these programs will address and meet the special education needs of American Indian students in lieu of the services being provided by the Indian Education Act, then he is naive relative to American Indian education.

One of the major components of the administration's Indian Policy Statement, dated January 14, 1983, emphasizes a commitment to vigorously assist American Indians in the area of economic development.

The inherent connection between education and economic development has been recognized and the elimination of the most comprehensive education service to American Indians obviously would be counterproductive to this policy commitment.

The proposal to terminate assistance under the Indian Education Act may also infer that the programs provided to American Indians through this authority have not positively impacted the education process of American Indians.

Over the past 8 years, I have directly observed and evaluated at least 100 Indian Education Act, part A programs. For the record, I

would like to cite the most profound benefits that the American Indians have enjoyed because of the implementation of this law.

First, the Indian Education Act provided a formal mechanism for parents of Indian children to become directly involved in the education of their children. Today, there are at least 1,000 Indian parent committees that are meaningfully involved in assisting local education agencies in developing and implementing effective educational programs for enrolled Indian students.

I would like to note here that I wish Mr. Packard was still here because he questioned one of the earlier people who were on a panel and he asked why Indian parents would not continue to be involved if title IV would be ended. Almost without exception, my observations as I went into the field from the Office of Indian Education, I found a reluctance, a very strong reluctance on the part of the vast majority of the superintendents and school boards to actually allow parent committees to be involved in the manner in which Congress intended through the Indian Education Act.

My friend, Dr. Swett, when he became the Superintendent of Robeson County Schools, he was the first superintendent that actually allowed that 40-member parent committee to carry out its responsibility as written in the law.

I think that the need to understand that if the Indian Education Act is terminated, there is no question in my mind whatsoever that the involvement at any level of Indian parents, it will never come voluntarily from school districts. In fact, even with the force of law behind, it was very difficult to get school districts to actually take Indian comments, or Indian input, as other than simply advisory comments.

Let me continue, please. At minimum, these programs have provided a recognition of the validity of American Indian cultures by curriculum developers. A positive identity of Indians as successful participants in the American education process, a set of role models that assures the young Indian mind that they, too, can be a formal part of the education process, and the clear signs that an efficient form of education is indeed the first step in assisting American Indians in their quest to become economically self-sufficient.

In addition, my research has shown that as a direct result of the intervention provided by the Indian Education Act, a greater number of Indian students have graduated from high school, and an increased percentage of these graduates are continuing on to higher education. The number of American Indians that hold undergraduate and graduate degrees far outnumber those that held degrees prior to the Indian Education Act.

However, the progress that has been recorded should not be construed as meaning that the need for these programs no longer exist, for in my opinion, the success of the Indian Education Act are only signs that we have a workable framework through which we can continue to resolve the problems still confronting American Indian education. Therefore, as a professional Indian educator, I respectfully call on this committee to reject the administration's proposal to terminate assistance under the Indian Education Act.

Further, I am requesting that any attempts by the administration to reduce the current level of funding for this act be set aside and that at minimum, the current level of funding be maintained.

I respectfully submit this to this committee and on behalf of a mutual friend of ours, I would like to say that a former colleague of mine, Robert Rossen who is from the State of Michigan, I am sure he is here with us, as you realize, he is deceased, but I am sure he is here with us right now. I would just like to mention his name as part of the record.

Thank you.

[Prepared statement of Lloyd Elm follows:]

PREPARED STATEMENT OF LLOYD ELM, FORMER GRANTS OFFICER, OFFICE OF INDIAN EDUCATION, DEPARTMENT OF EDUCATION

Mr. Chairman, and members of the Committee, first I would like to thank you for this opportunity to testify on the future of the Indian Education Act of 1972, as amended in 1978.

For the record, my name is Lloyd Elm and at the present time I am completing my dissertation in Educational Administration at The Pennsylvania State University.

Being that the majority of my experience with the Indian Education Act involved the programs authorized under Part A of the Act, my remarks will be directed primarily to this part.

However, as a professional Indian educator, I feel that I would be negligent if I did not first respond to the statements of Secretary Bell on the fiscal year 1984 budget for the United States Department of Education, dated January 31, 1983.

I was astounded to learn that the Administration, through Secretary Bell, was proposing to terminate assistance under the Indian Education Act. The Secretary's statement made a reference to the overall policy of the Administration regarding separate funding for Indians not on reservations. If we are to understand this reference to mean that it is now the policy of the Administration to exclude non-reservation Indians from these federal educational services, then it becomes the responsibility of Indian educators, and the Congress of the United States, to remind the administration of at least two things.

First, the fact that many Indians no longer reside on reservations, in most part is the result of a federal policy that provided for the relocation of Indians from the reservation to many urban areas of the country. In my opinion, to terminate these services to these people would be no more appropriate than to terminate the citizenship rights of any other American. In addition, this policy would suggest that non-reservation Indians have forfeited their special rights as American Indians, and this is simple not the case.

Secondly, the Secretary noted that, "Indian students and adults will continue to be eligible for services under other programs such as Chapters 1 and 2, Vocational and Adult Education, Bilingual Education, Impact Aid, and all Student Air programs." If the Secretary is suggesting that the current Indian participation in these programs will address and meet the special education needs of American Indian students, in lieu of the services being provided by the Indian Education Act, then he is naive relative to American Indian education.

One of the major components of the Administrations "Indian Policy Statement", dated January 14, 1983, emphasizes a commitment to vigorously assist American Indians in the area of economic development. The inherent connection between education and economic development has been recognized, and the elimination of the most comprehensive education service to American Indians obviously would be counter-productive to this policy commitment.

The proposal to terminate assistance under the Indian Education Act may also infer that the programs provided to American Indians through this authority have not positively impacted the education process of American Indians.

Over the past eight years I have directly observed and evaluated at least 100 Indian Education Act, Part A, programs. For the record, I would like to cite the most profound benefits that American Indians have enjoyed because of the implementation of this law.

First, the Indian Education Act provided a formal mechanism for parents of Indian children to become directly involved in the education of their children. Today there are at least 1,000 Indian Parent Committees that are meaningfully in-

volved in assisting Local Educational Agencies in developing and implementing effective educational programs for enrolled Indian students.

At minimum, these programs have provided: A recognition of the validity of American Indian cultures by curriculum developers. A positive identity of American Indians as successful participants in the American Education process, a set of role models that assures the young Indian mind that they too can be a formal part of the education process, and, the clear signs that an efficient form of education is indeed the first step in assisting American Indians in their guest to become economically self-sufficient.

In addition, my research has shown that as a direct result of the intervention provided by the Indian Education Act, a greater number of Indian students have graduated from high school, an increased percentage of these graduates are continuing on to higher education, and, the number of American Indians that hold undergraduate, and graduate degrees, far outnumber those that held degrees prior to the Indian Education Act.

However, the progress that has been recorded should not be construed as meaning that the need for these programs no longer exists. For, in my opinion, the successes of the Indian Education Act are only signs that we have a workable framework through which we can continue to resolve the problems still confronting American Indian Education.

Therefore, as a professional Indian educator, I respectfully call on this Committee to reject the Administrations proposal to terminate assistance under the Indian Education Act. Further, I am requesting that any attempts by the Administration to reduce the current level of funding for this Act be set aside, and that at minimum the current level of funding be maintained.

Mr. KILDEE. Mr. Rossen was a fine human being, a tremendous person.

Mr. ELM. Yes.

Mr. KILDEE. He served well his immediate community and the entire community. Thank you very much for your kind comments about him.

The previous witness pointed out that the Office of Indian Education has been without a director since September 1982. As an ex-administrator in OIE, what effect do you feel that this has had upon either the funding or the program itself?

Mr. ELM. When I first read the statement by Secretary Bell, it took me a while to realize what happened, or what conditions could exist that created the situation where a previous advocate for Indian education would make such a radical change in his direction. Then I recalled the days when I was involved in some of the political maneuverings within the Department, and I realize that without a real strong advocate, and sometimes even with a real strong advocate, in maneuvering for the final budget figure that the Department was faced with. The Indian Education Act, and the condition it was in right now in terms of their proposal is simply because there is no really strong advocate present in that administration at this time.

There have been times in the past that even with strong advocates, there was quite a struggle just to maintain the funding level. In fact, the very first year I went there, I think I recall that the programs were cut back some $10 million and it took a tremendous lobbying effort on the part of American Indian people at that time to restore those funds in the Interior Supplemental Bill in August, which was done. It took quite an effort on the part, not only of in-house administrators and advocates, but it took the part, and I am very proud to say that Indian people responded at that time like they are responding today.

I think the situation that we are in right now is a direct result of the fact that we do not have a strong advocate within that agency who is willing to put everything on the line to argue for Indian education.

I think that is really basically right now why we are in the situation we are in in terms of the proposed termination of services under the Indian Education Act.

Mr. KILDEE. Thank you, Mr. Elm.

Mr. Beach, what would the effect of termination of title IV be on the Coeur d'Alene School?

Mr. BEACH. Would you repeat that, please?

Mr. KILDEE. What effect would the termination of the title IV funding have on the Coeur d'Alene School?

Mr. BEACH. Directly, it would have about a 20-percent cut in our budget, because we do not have it now.

Mr. KILDEE. 20 percent cut. You would have to——

Mr. BEACH. We have the entitlement.

Mr. KILDEE. How many students do you serve in the school?

Mr. BEACH. We have 80, elementary school.

Mr. KILDEE. 80, elementary. So that would be a 20-percent cut in your budget for the school. How would you handle that type of cut?

Mr. BEACH. Well, we had to cut back quite a few more staff.

Mr. KILDEE. Cut in staff. OK.

Thank you very much. The committee is happy to have given you the opportunity to comment on the proposed cuts, an opportunity which the executive branch of Government did not give to you, and you have established a very great record of defense for this program.

I feel confident myself, and I can only speak for myself, but I feel quite confident that your testimony here today has been a very important element in keeping this program alive. I personally commit myself to you to work hard to keep this program alive, with a proper level of funding.

As I say, your testimony has been very instrumental in giving us the tools to do just that. Thank you very much.

[Whereupon, at 12:25 p.m., the subcommittee was adjourned, to reconvene subject to the call of the Chair.]

[The following material was included in the record:]

INDEPENDENT SCHOOL DISTRICT No. 361,
INTERNATIONAL FALLS PUBLIC SCHOOLS,
International Falls, Minn., March 21, 1983.

Hon. CARL PERKINS,
Chairperson, House Committee of Education and Labor,
Washington, D.C.

DEAR MR. PERKINS: It has been brought to my attention that your committee is in the process of taking testimony for the Indian Education Act of 1972, Title IV-A, P.L. 92.318 referred to as the Oversight of Indian Education Programs Hearings.

Please accept this letter as testimony to your committee processes.

The Indian Education Act of 1972, has indeed proven to be one of the most cost-effective programs in educating Indian children and saving money for all levels of government. School districts throughout our state and nation are convinced that Title IV-A is impacting more Indian students and their families and providing positive direction and retention of Indian students in any point in history.

Historically, 15-20 percent of Indian students entering public schools would graduate. Today, we are graduating approximately 50 percent of Indian students (these figures are based on a national average). We are indeed making progress but can ill

afford to curtail or eliminate these efforts afforded through the Indian Education Act of 1972.

It is my understanding that the General Accounting Office (GAO) has issued a determination that the Reagan Administration recommendation for recission and ultimately elimination of Indian Education is illegal mainly because of the Indian Education Act, Title IV-A is considered immune from any recission. I truly do not understand the ramifications of this process; however, it would seem irresponsible by the administration not to support the continuation of a program that has literally turned the success ratio of Indian students by approximately one-half. The Indian Education Act has also promoted a high level of parental involvement. Indian parents have a sense of belonging and feel a partner in the process of educating their children in our public school institutions. We must continue to support these efforts until the Indian students drop-out rate is commensurate with the general student bodies attending public schools.

I am enclosing a 81-82 year-end evaluation from our Indian Education Program in our local school district. You will find that all goals and objectives were met or exceeded and Indian students are successful through supplemental tutoring, social work, and liaison work with families. This act has been the vehicle to get Indian children through school and have a continued sense of pride and dignity of who they are and what they represent.

Respectfully submitted,

LESTER J. BRIGGS,
Indian Education Coordinator.

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF EDUCATION
WASHINGTON, D.C. 20202

FORM APPROVED
OMB NO. 51-R1155

INDIAN EDUCATION GRANT PERFORMANCE REPORT

GRANT NUMBER
N008100209

NAME AND ADDRESS OF GRANTEE (Include ZIP code)
Independent School District 361
4th Street & 6th Avenue
International Falls, MN 56649

TYPE OF PROGRAM (Check appropriate box)
[X] PART A, LEA [ ] PART B
[ ] PART A, NON-LEA [ ] PART C

REPORT PERIOD
FROM (month, day, year) 7-1-81
TO (month, day, year) 6-30-82

PART I - PARTICIPATION

A. NUMBER OF STUDENTS PARTICIPATING BY PROGRAM, BY FUNCTION, OR BY ACTIVITY DURING THE CURRENT REPORTING PERIOD	EDUCATION LEVEL					
	PARTS A OR B			PART C		PART B
	PRE-SCHOOL	K-8	7-12	ADULT GED	ADULT OTHER	TRAINEES
1. Culture, Language, Craft Class		40	2			
2. Tutoring, Individual		34	52			
3. Counseling		3	39			
4. Cultural Trunk		206	56			
5. Post-Secondary Experience			29			
6. Extra-Curricular		150	50			
7.						
8. TOTAL PARTICIPATING (sum of lines 1 through 7)		433	228			
B. NUMBER OF PARTICIPANTS ENTERING PROGRAMS (for July 30 report only)		0	0			
C. NUMBER OF PARTICIPANTS CARRIED OVER FROM PREVIOUS REPORTING PERIOD (for July 30 report only)		0	0			

D. TRAINING FOR STAFF DEVELOPMENT THIS REPORTING PERIOD

STAFF RECEIVING IN-SERVICE TRAINING	NUMBER	TOTAL NUMBER OF HOURS	STAFF RECEIVING PRE-SERVICE TRAINING	NUMBER	TOTAL NUMBER OF HOURS
PROFESSIONAL STAFF	2	72	PROFESSIONAL STAFF	0	0
NON-PROFESSIONAL STAFF	3	20	NON-PROFESSIONAL STAFF	0	0

OE FORM 354-1, 6-76

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PART II - PROJECT STATUS (Attach as many sheets as necessary to add all milestones)

A. LIST EACH MILESTONE AS SET FORTH IN THE APPLICATION AND UNDER THE COMMENTS FOR EACH, DESCRIBE PROGRESS TO DATE INCLUDING USAGE OF MEASURABLE TERMS WHENEVER POSSIBLE.

MILESTONE I

OBJECTIVE:

The rate of academic failure of Native American Secondary students in academic areas will be lowered by twenty percent during the 1981-82 school year as evidenced by comparing statistics from the first and fourth grading periods of the 1980-1981 school year.

B. PERCENTAGE OF MILESTONE COMPLETED: 100%

C. PROBLEM AREA (use code in Part III)

COMMENTS

In the first quarter grading period, 12 junior high school students received failing grades in one or more academic subjects. The 12 students were referred to Indian Education for academic tutoring and assessment. In the final quarter grading period, 5 students received failing grades in one or more academic subjects. This reflects an improvement of 58%.

MILESTONE II

OBJECTIVE:

Levels of academic achievement of Native American Elementary students will be monitored and tutorial service rendered to at least twenty percent of those students referred for help.

B. PERCENTAGE OF MILESTONE COMPLETED: 100%

C. PROBLEM AREA (use code in Part III)

COMMENTS

All students referred to Indian Education for remedial help were provided with service. The only exceptions, were students eligible for Title I or Special Education services. The Coordinator and Tutor were involved in all child study assessments when decisions were made for services for Indian students.

MILESTONE III

OBJECTIVE:

All Native American students and parents will be made aware of the other Special Education programs available with the School District and encouraged to use where applicable during the 1981-82 school year.

B. PERCENTAGE OF MILESTONE COMPLETED: 100%

C. PROBLEM AREA (use code in Part III)

COMMENTS

All parents received information through monthly newsletters regarding availability of Special Education programs. In addition, one parent committee member sat on the P.E.R. (Planning, Evaluating & Reporting) Committee which evaluated all Special Education programs in Independent School District 361. The Coordinator and Tutor also served on referral committees for special services and acted as a liason between school and Indian families.

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PART II - PROJECT STATUS (Attach as many sheets as necessary to add all milestones)

A. LIST EACH MILESTONE AS SET FORTH IN THE APPLICATION AND UNDER THE COMMENTS FOR EACH, DESCRIBE PROGRESS TO DATE INCLUDING USAGE OF MEASURABLE TERMS WHENEVER POSSIBLE.

MILESTONE I

OBJECTIVE:

The Ojibwe cultural trunk and resource kit will continue as an instructional aid with presentation being made to twenty percent of the International Falls student population.

B. PERCENTAGE OF MILESTONE COMPLETED: 50%

C. PROBLEM AREA (see code in Part III): D

COMMENTS

The cultural trunk was presented to approximately 262 students and adults in Independent School District 361. Along with the cultural trunk presentation, items in the trunk were expanded to include Ojibwe history, culture, music, dances, storytelling, etc.

MILESTONE II

OBJECTIVE:

Native American students enrolled in the Ojibwe language class will be able to speak and understand basic Ojibwe words and phrases.

B. PERCENTAGE OF MILESTONE COMPLETED: 100%

C. PROBLEM AREA (see code in Part III):

COMMENTS

A pre-test was administered in December of 1981 which included 20 Ojibwe words and numbers. Indian students who participated averaged 14.5 correct answers on the pre-test. The students were given a post-test in May of 1982 and the results were as follows: Students averaged 17.5 correct answers. The students expanded their Ojibwe language by 15% as a result of direct Ojibwe language instruction during the course of 6 months.

MILESTONE III

OBJECTIVE:

In the craft classes Native American students will receive instruction on how to do the craft with information on the origin of the craft and its uses.

B. PERCENTAGE OF MILESTONE COMPLETED: 100%

C. PROBLEM AREA (see code in Part III):

COMMENTS

All craft instruction was conducted at the North American Indian Fellowship Center for four days a week for one and one-half hours per day. As of October of 1981, at least 42 students participated in crafts and averaged 12 students regularly. Student projects were as follows: shawl making (girls), cedar & birch bark gifts, moccassins (girls & boys), chokers (girls & boys), loom work, i.e. wrist bands and head bands.

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PART II - PROJECT STATUS (Attach as many sheets as necessary to add all milestones)

A. LIST EACH MILESTONE AS SET FORTH IN THE APPLICATION AND UNDER THE COMMENTS FOR EACH, DESCRIBE PROGRESS TO DATE INCLUDING USAGE OF MEASURABLE TERMS WHENEVER POSSIBLE.

MILESTONE I

OBJECTIVE:

All Native American students will receive instruction on local Indian history with some national perspective to be included.

B. [illegible]

100%

C. [illegible]

COMMENTS

Presentations were given about local and tribal history to approximately 262 students. A field trip with 16 students was made to study the Laural and Blackduck Indian cultures that inhabited Northeastern Minnesota and built mounds, as well as the reservations of Minnesota and southern Ontario.

MILESTONE II

OBJECTIVE:

All students will be given the opportunity to participate in at least four culturally related activities including field trips, weekend retreats or cultural enrichment programs and pow wows.

B. [illegible]

100%

C. [illegible]

COMMENTS

Field trips were broken down in the following manner:

Elementary K-8: Grand Mound trip to Loman, Minnesota 16 students
Junior High 7-9: Environmental Learning Experience, Isabella, Minnesota 13 students
High School: Careers Day at Rainy River Community College 22 students
Careers Day at University of Minnesota-Duluth 7 students

MILESTONE III

OBJECTIVE:

All Title IV-A activities will be designed to encourage and enforce a positive self-concept for all Native American students.

B. [illegible]

100%

C. [illegible]

COMMENTS

Every grading period an honor roll and perfect attendance list was developed and published in the newsletter. In addition, an Awards and Recognition Evening was held in June sponsored by the Indian community to honor Indian students for academic achievement, attendance, sports, fine arts and community involvement. A total of 318 awards were given to 138 students for achievement in the above-mentioned areas.

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PART III - PROJECT STATUS (Attach as many sheets as necessary to add all milestones)

A. LIST EACH MILESTONE AS SET FORTH IN THE APPLICATION AND UNDER THE COMMENTS FOR EACH, DESCRIBE PROGRESS TO DATE INCLUDING USAGE OF MEASURABLE TERMS WHENEVER POSSIBLE.

MILESTONE I

OBJECTIVE:

Title IV-A will continue to provide individual tutoring and social counseling to Native American students identified as potential drop outs. As a result, the droup out rate will be maintained at a low level with eventual elimination.

B. PERCENTAGE OF MILESTONE COMPLETED: 100%

C. PROBLEM AREA (use code in Part III):

COMMENTS:

The Indian Resource Coordinator and Tutor were involved in staffings, child study assessments. The Indian Education team worked very closely with all supportive staff in the District as well as principals who identified potential dropouts and absenteeism during the course of 1981-82. The program experienced three student drop outs. Additional followup is ongoing to encourage these particular students back into school.

MILESTONE II

OBJECTIVE:

All Native American High School students will be given additional information about post-secondary educational opportunities, careers, and financial aids during the academic year through: 1) printed materials made available for student use; 2) a post-secondary education workshop and counseling services for Native American students

B. PERCENTAGE OF MILESTONE COMPLETED: 100%

C. PROBLEM AREA (use code in Part III):

COMMENTS:

In December of 1981, all sophomore, junior and senior students were given opportunities to participate in a post-secondary education careers day. Twenty-two students were involved in this activity. In May, seven juniors and senior high students were involved in a field trip to the University of Minnesota-Duluth where they were given an opportuni to look at what a major university offers. Four of seven graduating Indian students have already made intentions to attend post-secondary education institutions.

MILESTONE III

OBJECTIVE:

Every member of the Indian Advisory Committee will have the opportunity to attend a Title IV-A informational training session during the 1981-1982 school year.

B. PERCENTAGE OF MILESTONE COMPLETED: 90%

C. PROBLEM AREA (use code in Part III):

COMMENTS:

In February of 1982 our Indian Education Advisory Committee was involved in a parent training session sponsored by our program. All parents from our program were given opportunities to participate also. The session had approximately 60 people involved.

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NAME OF GRANTEE: International Falls Public Schools

GRANT NUMBER: N008100209

PART III - PROBLEM AREAS

A. INDICATE AREAS IN WHICH YOU HAVE HAD DIFFICULTY IN ACCOMPLISHING ANY OF THE FOLLOWING BY PLACING THE APPROPRIATE NUMBER IN THE BOX PRECEDING THE STATEMENT. IF ANY OF THE BOXES ARE INDICATED AS '4,' EXPLAIN IN COMMENTS BELOW. (1 - no difficulty; 2 - some difficulty/problem resolved; 3 - some continuing problem(s); 4 - continue problem(s) not yet resolved)

1	a. NEEDS ASSESSMENT	1	i. COLLECTING REQUIRED DATA AND DOCUMENTATION
1	b. IDENTIFYING SERVICE POPULATION	1	j. KEEPING NECESSARY RECORDS
1	c. RECRUITING STAFF	1	k. MANAGING PROJECT FUNDS AND/OR CONTROLLING EXPENDITURES
2	d. RECRUITING PARTICIPANTS	1	l. REPORTING REQUIREMENTS
2	e. DEVELOPING OR ACQUIRING MATERIALS AND/OR EQUIPMENT	1	m. PAYMENT SCHEDULE (request for advance or reimbursement)
1	f. GETTING ACTIVITIES STARTED	2	n. SOLICITING COMMUNITY INVOLVEMENT (e.g., attendance at meetings)
1	g. PROVIDING SPECIFIC SERVICES		o. OTHER (specify)
1	h. SUSTAINING LEVEL OF ACTIVITY		

B. DO YOU WANT TO DISCUSS ANY OF THE ABOVE WITH INDIAN EDUCATION AFFAIRS PROGRAM STAFF? (check one)
☐ YES ☒ NO

C. DO YOU FEEL A SITE VISIT MIGHT BE REQUIRED? (check one) (If "YES," state nature of your request under COMMENTS below.)
☐ YES XX NO

D. HAVE YOU MODIFIED EITHER THE APPLICATION PLAN OF WORK, THE EVALUATION PLAN, AND/OR BUDGET? (check one) (If revised items have NOT been submitted, attach them to this report.)
☐ YES ☐ NO

E. LIST ANY SIGNIFICANT CHANGES IN KEY ADMINISTRATIVE STAFF, OFFICE ADDRESSES, AND TELEPHONE NUMBERS

Indian Resource Coordinator: Mr. Lester (Jack) Briggs
Alexander Baker School
Int'l Falls, MN 56649

INDIAN RESOURCE TEACHER:
Ms. Beth Parmeter
Alexander Baker School
International Falls, MN 56649

F. COMMENTS (If additional space is needed, continue on attached sheets)

The division of responsibilities to two staff persons has allowed more time for specific areas of counseling, home visits and tutoring.

OE FORM 3541, 6-79

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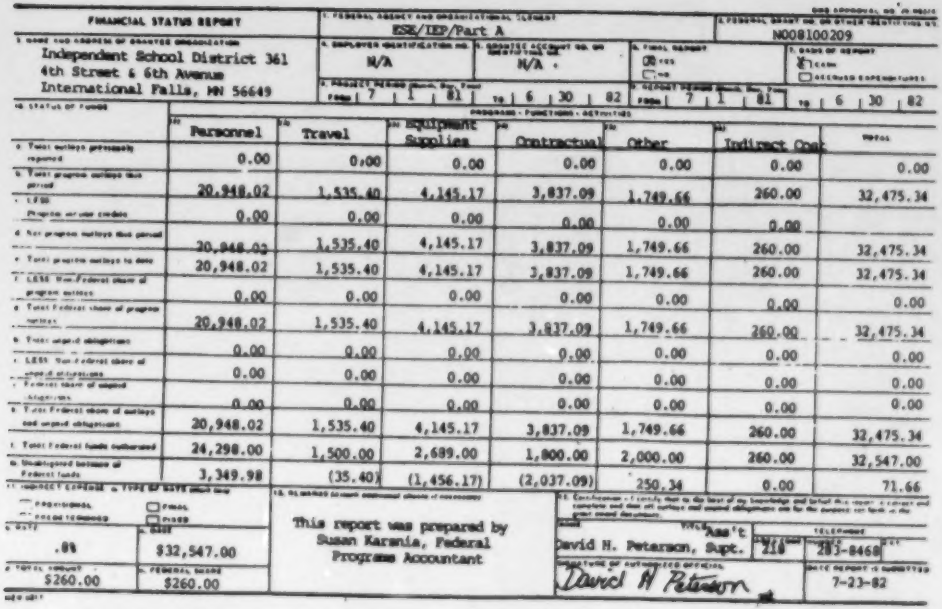

FINANCIAL STATUS REPORT

1. Federal Agency and Organizational Element: ESE/IEP/Part A

2. Federal Grant or Other Identifying No.: N008100209

3. Name and address of grantee organization:
Independent School District 361
4th Street & 6th Avenue
International Falls, MN 56649

4. Employer Identification No.: N/A

5. Recipient Account No. or Identifying No.: N/A

6. Final Report: ☒ Yes ☐ No

7. Basis of Report: ☒ Cash ☐ Accrued Expenditures

8. Report Period (Month, Day, Year): From 7 1 81 To 6 30 82

9. Report Period (Month, Day, Year): From 7 1 81 To 6 30 82

10. Status of Funds — Programs - Functions - Activities

	a. Personnel	b. Travel	c. Equipment Supplies	d. Contractual	e. Other	f. Indirect Cost	g. Totals
a. Total outlays previously reported	0.00	0.00	0.00	0.00	0.00	0.00	0.00
b. Total program outlays this period	20,948.02	1,535.40	4,145.17	3,837.09	1,749.66	260.00	32,475.34
c. LESS: Program income credits	0.00	0.00	0.00	0.00	0.00	0.00	
d. Net program outlays this period	20,948.02	1,535.40	4,145.17	3,837.09	1,749.66	260.00	32,475.34
e. Total program outlays to date	20,948.02	1,535.40	4,145.17	3,837.09	1,749.66	260.00	32,475.34
f. LESS: Non-Federal share of program outlays	0.00	0.00	0.00	0.00	0.00	0.00	0.00
g. Total Federal share of program outlays	20,948.02	1,535.40	4,145.17	3,837.09	1,749.66	260.00	32,475.34
h. Total unpaid obligations	0.00	0.00	0.00	0.00	0.00	0.00	0.00
i. LESS: Non-Federal share of unpaid obligations	0.00	0.00	0.00	0.00	0.00	0.00	0.00
j. Federal share of unpaid obligations	0.00	0.00	0.00	0.00	0.00	0.00	0.00
k. Total Federal share of outlays and unpaid obligations	20,948.02	1,535.40	4,145.17	3,837.09	1,749.66	260.00	32,475.34
l. Total Federal funds authorized	24,298.00	1,500.00	2,689.00	1,800.00	2,000.00	260.00	32,547.00
m. Unobligated balance of Federal funds	3,349.98	(35.40)	(1,456.17)	(2,037.09)	250.34	0.00	71.66

11. Indirect Expense a. Type (See back of form)
☐ Provisional ☐ Final
☐ Fixed ☐ Predetermined

b. Rate: .8%

c. Base: $32,547.00

d. Total amount: $260.00

e. Federal share: $260.00

12. Remarks (Attach additional sheets of necessary)

This report was prepared by
Susan Karania, Federal
Programs Accountant

13. Certification: I certify that to the best of my knowledge and belief this report is correct and complete and that all outlays and unpaid obligations are for the purposes set forth in the grant award documents.

Typed or Printed Name and Title: David H. Peterson, Supt. Ass't

Telephone (Area code, number, extension): 218 283-8468

Signature of Authorized Official: David H Peterson

Date Report Submitted: 7-23-82

Standard Form 269 (Rev. 7-76)

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NAME OF GRANTEE	GRANT NUMBER
International Falls Public Schools	N008100209

PART V - PARENT COMMITTEE (Part A only)

A. HAS PARENT COMMITTEE OR COMMUNITY BEEN INVOLVED DURING THE CURRENT REPORT PERIOD IN:

	YES	NO		YES	NO
a. OBTAINING COMMUNITY INPUT ON STUDENT NEEDS?	X		e. HELPING SELECT TARGET SCHOOLS?	X	
b. OBTAINING SERVICES TO MEET STUDENT NEEDS?	X		f. REVIEWING STAFF NOMINATIONS?	X	
c. HELPING DETERMINE BUDGET?	X		g. SELECTING EDUCATIONAL ACTIVITIES?	X	
d. HELPING DETERMINE STUDENT PARTICIPATION?	X		h. SELECTING STAFF?	X	
B. NUMBER OF MEETINGS HELD DURING THIS REPORTING PERIOD →	NUMBER 11		C. AVERAGE NUMBER OF MEMBERS ATTENDING →	AVERAGE NUMBER 6	

D. COMMENTS

This year's program has been extremely successful. In past years, we experienced staff turnover in Indian Education. We feel to ascertain a continued level of excellent service to Indian students, we must have staff continuity in our program.

PART VI - CERTIFICATION

This is to certify that the information contained herein is, to the best of my knowledge, a complete and accurate statement of project status to date.

A. GRANTEE AUTHORIZED REPRESENTATIVE FOR PART A, B, C, OR NON-LEA		
TYPE NAME: David H. Peterson	SIGNATURE: David H Peterson	DATE SUBMITTED TO USOE OE: 7-23-82
B. PART A ONLY: PARENT COMMITTEE CHAIRMAN		
TYPE NAME: Gladys Brown	SIGNATURE: Gladys Brown	DATE SUBMITTED TO USOE OE:

OE FORM 354-1, 6-76

BEST COPY AVAILABLE

HIBBING, MINN., *March 17, 1983.*

Hon. CARL PERKINS,
Chairperson, House Committee of Education and Labor,
Washington, D.C.

DEAR MR. PERKINS: Please accept the following as written testimony on the oversight of the Indian Education Programs Hearings:

I am the Home/School Coordinator for the Hibbing Indian Education Program (ISD #701).

Unlike many of my colleagues I was fortunate enough to have participated in the ISD #316 Title IV-A Indian Education Program while attending high school. The program encouraged me both culturally and educationally.

I am one of the success stories of the Title IV-A Programs. I have gone from a high school student with little cultural knowledge and self confidence to graduating from high school and continuing to higher education. I am now the director of a Title IV-A Program and have a wife with two children. My oldest child now participates in the Indian Education Program in our district.

I feel I have definitely benefited from the efforts of the program and would like to see my children and all Indian children have the same opportunity as I had while a student.

I have been working for the Hibbing Indian Education Program for 2½ years. Over that time I have seen an increase in our students attendance, grades and attitudes. This year we have seven seniors who will graduate. Six of them will be continuing their education. The seventh will continue when he gets out of the Marines.

I also feel our program has had a great impact on our elementary students. Through our Culture Classes the students have learned to be proud of their Indian background. Something I was unable to be when I was their age.

This year I have had many phone calls fron non-Indians asking if they could get their children involved in our program.

Our program has been able to bring out the good feelings not only in our Indian students but also in the community.

For the above reasons I am opposed to any budget cuts in the Title IV-A Indian Education Programs.

Sincerely,

MICHELLE L. KNAEBLE.

COHOSSET, MINN., *March 17, 1983.*

Hon. CARL PERKINS,
Chairperson, House Committee on Education and Labor,
Washington, D.C.

DEAR SIR: After hearing about the administration recommended recession for 1983 and the phasing out of Title IV Programs in 1984 I was very unhappy.

As a mother of two Indian students and a very involved parent of the Title IV Program, I am concerned about what will happen to the progress we as Indian people have made in education of our Indian students. I have watched our educators working with the Indian students, their involvement with these students. Helping with their studies; listening to their problems; advising the students in what ever their needs are. Keeping the High School students from dropping out of school and I need not tell you about our drop-out problem. Seeing all this makes me want to be more involved in my Indian heritage.

The other thing I just don't understand is that the General Accounting Office has stated that the recession of 1983 monies is illegal. How can the administration recommend recession as set in spite of the General Accounting Office statement.

With your support in this matter, taken the necessary action we can accomplish this task.

I am also asking you to keep in mind that any action taken to discontinue funding programs for non-reservation Indians will create problems with the reservations.

I am asking for your support. It will be appreciated.

Thank you,

LUCILLE A. POWERS.

HIBBING, MINN., *March 16, 1983.*

Hon. CARL PERKINS,
Chairperson, House Committee on Education and Labor,
Washington, D.C.

DEAR SIR: It is extremely distressing to hear of the Administrations recommended recession for 1983 and the phasing out of the Title IV Program in 1984. My greatest concern, if the continuation of Title IV monies is phased out is, what happens to the progress we as Indian people have made in educating our Indian youth. I have been in Indian Education for many years and have watched our children and parents grow in pride and self awareness. Our student attendance, grades and retention has improved to the point that we have had no drop outs in the last two years. The increased involvement of our parents in their childrens' education has resulted in a greater understanding between the Indian community and the schools in regards to the education of their students. This quality education has increased a wide range of opportunities for our young. Through our Title IV Program, they have become aware of their heritage and awakened a pride in themselves that allows them to achieve more than they have ever done before. I have listed only a few factors that are most emphasized in our schools program; the list could become quite lengthy. Statistical data proves what the Title IV Programs have accomplished not only in our school district, but in others as well.

The General Accounting Office has stated that recession of 1983 monies is illegal. The Administration is recommending recession as set, in spite of the General Accounting Offices statement. I feel necessary . tion must be taken by Congress to remedy this situation and with your support in this matter, we can accomplish that fact. Please keep in mind, that any action taken to discontinue funding programs for non-reservation Indians as well as de-funding of many programs for on reservation Indians could create serious problems between the two. Non-reservation Indians have never been served very well through federal funds appropriated for the entire Indian population as a whole. Besides no additional funds are going to reservations to support non-reservation programs. Your support in this matter is greatly appreciated.

Yours In Indian Education,

CAROLINE STANGEL,
Title IV Coordinator ISD No. 318.

HIBBING, MINN., *March 16, 1983.*

Hon. CARL PERKINS,
Chairperson, House Committee on Education and Labor,
Washington, D.C.

DEAR MR. PERKINS: Please accept the following written testimony on the Oversight of Indian Education Programs Hearings:

As the parent of two Indian children in the Title IV-A Indian Education Program in the Hibbing school district, and a former Title IV-A home/school coordinator for the school district, I would like to go on record as opposed to any budget cuts in the Title IV-A Indian Education program, and as favoring an increased budget for the following reasons:

In the past eight or so years that our school district has had a Title IV-A Indian Education Program, the number of Indian students graduating from Hibbing High School each year has increased from one every other year to eight in each of the last two graduating classes. There are eight Indian students in this year's graduating class, also.

The Title IV-A program has made a big difference in our Indian children's attitude toward school: Though our absence rate is nearly double that of non-Indian students, it is still less than half of what it was five years ago.

Under the Title IV-A program, our Indian children have become involved in extra-curricular activities at school and in the community. Five years ago only one Indian student was in an extra-curricular activity (the municipal boxing team), but the last two years we have had an Indian homecoming queen at the high school, our students have been on the tennis, football, basketball and swimming teams, in the band and in high school theater. Since our children have become involved in these activities, their attendance and grades have improved, and many are going on to post-secondary education: There are twenty-five Indian people attending the two-year community college here, and in my opinion the Title IV-A program in our school district can take credit for most of them.

My children are in elementary school (I also have a preschooler), and seeing the success of the Indian students in the Hibbing high school has given them the feeling that the school district is for Indians, too. My children look forward to going to junior high and high school, which is a major change from the way children felt when I was an elementary school student, when most of us planned on dropping out of school when we turned sixteen, as the natural order of things. I want the Title IV-A program continued so that this new, positive attitude among our Indian children will continue.

Migwech for your consideration.

Sincerely,

Linda LeGarde Grover

THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON,
Warm Springs, Oreg., March 11, 1983.

Hon. CARL D. PERKINS,
Chairman, Elementary, Secondary, and Vocational Education Subcommittee, House Education and Labor Committee, Washington, D.C.

DEAR CHAIRMAN PERKINS: Enclosed is an analysis by the Confederated Tribes of the Warm Springs Reservation of Oregon on the President's proposal to terminate Title IV of the Indian Education Act. Although we did not have an opportunity to testify in person, please include these materials in the committee's records for the February 22, 1983 hearing to reflect the Confederated Tribes' strong support for continuation of Title IV programs to meet the unique educational needs of Indian students.

As our report documents, Title IV helps support needed education programs for Indian students who attend our local public schools. If Title IV were eliminated, the education resources provided our students would be seriously damaged, and there is virtually no likelihood that any of these services could be replaced by other programs. Working closely with our local school district, the Confederated Tribes and Indian parents have been able to make optimum use of Title IV in conjunction with the other education programs available to us. At the local level, we have been successful in assuring effective coordination of all these services and in developing programs that meet the specific needs of our students.

In submitting our comments to Education Secretary Bell on the "Definition of Indian" study mandated by P.L. 95-561, the Confederated Tribes expressed our concern that the study neglected to acknowledge the United States' trust responsibility for Indian education. For this reason, we opposed the Secretary's use of the study as a foundation for recommendations on the future of Title IV. Unfortunately, the Department of Education has abandoned its pledge to assure that Title IV programs targeted their services on the needs of Indian students. Instead, it has decided to ignore these needs entirely and to suggest that other programs can pick up where Title IV leaves off.

Our experience, based on over 20 years of cooperation with state and local education agencies, demonstrates to us conclusively that the Department of Education's justifications for eliminating Title IV are naive and that the repercussions on our Tribes and Indian students of terminating Title IV would be disastrous.

For these reasons, we urge the Subcommittee to continue its efforts to maintain Title IV Indian Education Act services and to oppose the Reagan administration's proposals to dismantle this significant Indian education resource.

Thank you for the opportunity to present our views.

Sincerely,

DELBERT FRANK, SR.,
Chairman, Tribal Council,
The Confederated Tribes of the
Warm Springs Reservation of Oregon.

Enclosure.

THE ZERO OPTION: A NEW TACTIC TO ELIMINATE TITLE IV INDIAN EDUCATION ACT PROGRAMS

INTRODUCTION

For fiscal year 1983, the Reagan administration proposed that programs under Title IV of the Indian Education Act of 1972 be transferred from the U.S. Department of Education to the Bureau of Indian Affairs. At that time, the proposal was

one element of the administration's general recommendation to eliminate the Department of Education as a Cabinet-level federal agency. Both the general reorganization and the Title IV transfer received overwhelming opposition from the Congress, from national, state, and local education interests, and from Indian tribes and communities.

For fiscal year 1984, the administration now advances a different proposal. Instead of asking for elimination of the Department of Education, it requests federal appropriations only for federal "education activities" and it suggests that specific recommendations will be submitted at a latter date" in order to allow "reassignment to appropriate executive departments and agencies pursuant to reorganization legislation." Instead of transferring Title IV programs to the BIA, the administration requests just over $1 million for administrative expenses in closing out Title IV contracts and in terminating all Title IV services by 1985. The administration's rationales, and the impacts of its recommendations, will be explored in this position paper from the perspective of the Confederated Tribes of the Warm Springs Reservation of Oregon.

GENERAL INDIAN POLICY CONSIDERATIONS

The executive branch

In his January 24, 1983 declaration of his administration's formal Indian policy, President Reagan pledged his support for continuing relations between the federal government and Indian tribes on a "government-to-government" basis. The President said:

"This Administration will take a flexible approach which recognizes the diversity among tribes and the right of each tribe to its own priorities and goals. Change will not happen overnight. Development will be charted by the tribes, not the federal government.

"Despite the Indian Self-Determination Act, major tribal government functions—enforcing tribal laws, developing and managing tribal resources, providing health and social services, educating children—are frequently still carried on by federal employees. The federal government must move away from this surrogate role which undermines the concept of self-government."

In his budget message to Congress, President Reagan emphasized his administration's view of federal position services generally. He pointed out:

"One of the high priorities I have set for my administration is the return to a more appropriate role for the Federal Government in the Nation's education systems and policies. We have slowed the alarming rate of growth of Federal spending for education, an area that is rightfully and primarily a family and State and local government responsibility." [The Budget Message of the President for Fiscal Year 1984, p. M13.]

Although the President's Indian Policy made only one reference to Indian education, his general budget message more specifically sets forth the administration's perspective on federal education services. Some early indications of how both these policies will be implemented are beginning to be seen.

In testimony before the Senate Select Committee on Indian Affairs, a representative of the U.S. Department of Education said:

"The Administration's 1984 request distinguishes between support for Indians living on or near reservations and non-reservation based Indians. For a number of historical and legal reasons, Indians living on or near reservations enjoy a special relationship with the Federal Government—a relationship recently reaffirmed by the President in his January 24, 1983 statement on Indian policy. The special relationship is manifested programmatically in the eligibility of this group for a variety of special services provided by the Bureau of Indian Affairs, including a number of educational support programs that parallel those available under the Indian Education Act. . . . Our budget is based on the proposition that it is not necessary for similar educational activities, like the Indian Education Act programs, to be carried out by different Federal agencies." [Testimony of Gary Bauer, Deputy Undersecretary for Planning, Budget and Evaluation, Department of Education, January 24, 1983.]

Several significant issues permeate this testimony. First, Mr. Bauer suggests, the federal government's trust (or "special") responsibility involves Indians who live "on or near" reservations, not those tribal members who live off reservation. Second, this responsibility is the sole domain of the Bureau of Indian Affairs and not of all federal agencies. Third, the Indian Education Act's services duplicate those provided by the Bureau of Indian Affairs.

Although the Reagan Indian Policy never suggests directly that federal Indian services will be limited to Indians living on or near reservations or that the "government-to-government" relationship will be adhered to only through the Bureau of Indian Affairs, other federal officials are also applying Mr. Bauer's interpretation of the policy to their programs. For example, in their presentations before the Senate Select Committee on Indian Affairs, both Assistant Secretary of the Interior for Indian Affairs Ken Smith and Acting Commissioner of the Administration for Native Americans Casey Wichlacz indicated that the 1984 budgets for their agencies would reduce services to Indians living off reservation in furtherance of the President's Indian Policy.

The legislative branch

The restrictive interpretations on Indian services recently articulated by Reagan administration officials clearly conflict with the legislative mandates expressed in numerous federal laws, which these officials are responsible for carrying out. The Johnson-O'Malley Act, adopted in 1934, authorized the Secretary of the Interior to contract with states ". . . for the education, medical attention, agricultural assistance, and social welfare . . . of Indians" without regard to their residence on a reservation. In its deliberations on the Indian Education Act, the U.S. Senate Committee on Labor and Public Welfare declared:

"One general principle which applies to the range of Indian education amendments in this bill is that programs are addressed to all Indians, Eskimos, and Aleuts in this country. These provisions recognize that as to urban Indians, terminated tribes, and other non-federal Indians, there exists a responsibiltiy on the part of the Federal government—at minimum, remedial in nature—to provide educational assistance. . . . [T]he grant and entitlement provisions of this bill, by applying to all Indians, are directed in part at remedying the consequences of past Federal policies and programs." [Education Amendments of 1971, Report of the Committee on Labor and Public Welfare on S. 659, Senate Report No. 92-346, August 3, 1971, p. 94.]

An equally broad authorization is also included in the Native American Programs Act of 1974, where Congress provided:

"The Secretary [then, of the Department of Health, Education, and Welfare; now, of the Department of Education] is authorized to provide financial assistance to public and nonprofit private agencies, including but not limited to, governing bodies of Indian tribes on Federal and State reservations, Alaska Native villages and regional corporations established by the Alaska Native Claims Settlement Act, and such public and nonprofit private agencies serving Hawaiian Natives, and Indian organizations in urban or rural nonreservation areas, for projects pertaining to the purposes of this title." [P.L. 93-644; 42 U.S.C. 2991(b), as amended.]

Similarly, in enacting the Indian Child Welfare Act in 1978, Congress recognized the need for broad social service agency networks and expressly authorized the Bureau of Indian Affairs to award grants to Indian tribes and to off-reservation Indian organizations to serve both federally recognized and nonrecognized Indian families and children. Despite these federal laws, however, the Reagan Indian Policy suggests at least a shift in the types of Indian services for which the administration will request appropriations.

The definition of Indian study

In 1978, as part of its reauthorization of Title IV Indian Education Act programs, the Congress directed the Department of Education to ". . . supervise a thorough study and analysis of the definition of Indian contained in subsection (a) [of Section 453 of the Indian Education Act] and submit a report on the results of such study and analysis to Congress not later than January 1, 1980." On December 29, 1982, Secretary of Education Bell wrote to House Speaker O'Neill, and he set forth the Department's final report and recommendations on the definition of Indian question for Title IV. Secretary Bell concluded:

"Since there are serious drawbacks to changes designed either to relax or further restrict the definition, my recommendation at this time is to retain the present definition.

"This recommendation does not mean that the Department is entirely satisfied with the operation of the Part A program. . . . In preparing our recommendations we have given some thought to how the program might be restructured to reduce some of these [administrative] burdens and better apportion funds available with the current budgetary framework. As we see it, the central problem is that, unlike most categorical programs in education, the statutory definition of Indian simultaneously controls both eligibility for service and the determination of grant amounts.

"As you know, the policies of this Administration emphasize fiscal responsibility, targeting Federal aid on the neediest groups, and minimum interference with the

judgment and initiative of local officials. I believe there is not serious question about the general congruence of these policies, but as applied to Indian education, the present statute appears to require unacceptable choices."

In Secretary Bell's "Definition of Indian" study, he reported:

"Part A grants go to LEAs in 41 States, but 90 percent of the Indian students counted for participation are in the 15 States with the largest Indian populations." (Page 16.)

In addition, the report finds:

". . . Indians in the four "reservation" States comprising Groups 1 [Arizona, Montana, New Mexico, and South Dakota] are a highly visible, locally concentrated, and substantially disadvantaged fraction of the total population. Conversely, in the four "high-urban States which make up Group 3 [California, Michigan, New York, and Texas], Indians amount to less than 1 percent of the population, are more evenly dispersed in public schools, and are economically least disadvantaged." (Page 24.)

Of the total 429,800 Indian students in the United States, the report documents that 111,800 live in Arizona, Montana, New Mexico, or South Dakota; that 136,200 live in Alaska, Minnesota, North Carolina, Oklahoma, Oregon, Washington, or Wisconsin; and that 92,700 live in California, Michigan, New York, or Texas. But instead of recommending a shift of Title IV services towards those students most in need, Secretary Bell's proposed budget for the Department of Education—published less than one month after "Definition of Indian Study" recommendations—proposed that Title IV be eliminated entirely by 1985. How this recommendation can be reconciled with the Secretary's position expressed in the Definition of Indian study remains an open question.

The potential for overlapping Indian education services

Another issue frequently raised in consideration of federal Indian education services is that Title IV duplicates other programs—like Johnson-O'Malley or Impact Aid—which also serve Indian students. This concern was recently studied by the General Accounting Office (GAO), which issued a report on June 15, 1981 entitled, "Local Coordination Prevents Duplication of Services At Federally Sponsored Indian Eduaction Projects."

Based on its investigation of 30 schools which received both Title IV and Johnson-O'Malley programs, the GAO concluded:

"Although the JOM and Title IV programs have similar goals and objectives, coordination between officials at most project sites we visited resulted in little duplication of services. Of the 30 JOM-Title IV sites we visited, 25 have adequately coordinated project activities and 5 have not. At one of the latter sites, 34 high school students received counseling from both JOM and Title IV counselors.

"Because the programs" goals and objectives are similar, merging the programs or eliminating either of them should not greatly affect the types of services for which funds are available.

"Conversely, because the programs have different eligibility requirements, student populations, and certification procedures, merging them or eliminating one would affect the eligibility of some Indian students."

In addition, the GAO recommended:

"Assuming that overall funding remains the same or is increased, merging the two programs or eliminating one would not necessarily change services. . . . If however, the programs' funding levels were reduced because of the merger or elimination, the burden of providing some of the services to Indian students would probably fall to other Federal, State, and local programs that provide similar services. Any merger or elimination proposal put forth with the intent of reducing funding levels should consider the impact such actions would have on other Federal remedial education programs. The Title 1 [now Chapter 1] program, for example, is currently unable to completely serve its target population because of fiscal constraints."

TITLE IV INDIAN EDUCATION PROGRAMS

The Reagan Proposals for Title IV

The President's budget request for fiscal year 1984 contains two major assaults on Title IV Indian Education Act services. First, the President asks that the Congress appropriate only $1.2 million in administrative funds for fiscal year 1985. Second, the President asks that the Congress approve a rescission of $16.1 million in fiscal year 1983. Each of these proposals will be examined separately.

The 1984 "Zero Option."—Under the President's 1984 budget, all Title IV Indian Education Act programs and services would be eliminated by the end of the fiscal year. Unlike most other federal Indian education programs, Title IV receives "ad-

vance appropriations"—its funds for fiscal year 1984 were approved this year, and the funds appropriated in the current budget cycle will be spent in 1985.

In its 1983 appropriation, Congress approved the continuation of Title IV services at the following levels:

	In millions
Part A	$49
Part B	13
Part C	4
Administration	3
Total	69

For 1985, however, the President's budget requests only $1,243,000.

In testimony before the Senate Select Committee on Indian Affairs, a representative of the Department of Education explained that these appropriations for Title IV would:

". . . cover administrative costs of the Indian Education Program Office and . . . support the National Advisory Council on Indian Education. Funds will be used to focus on close-out of prior year grants and for other tasks related to conclusion of program operations. Limited administrative funding for the national Advisory Council will support the preparation of a final report and a final meeting." [Testimony of Gary Bauer, Deputy Undersecretary for Planning, Budget and Evaluation, Department of Education.]

Overall, Mr. Bauer testified, the department estimated that at least $300 million in federal education assistance—through programs like Chapter 1 and Chapter 2, Vocational and Adult Education, Impact Aid, Bilingual Education, and postsecondary student aid, would be provided Indian students and adults who live off reservation. In addition, Mr. Bauer noted, Impact Aid funds to school districts serving Indian children who live on reservation would increase substantially, particularly in those districts having Indian enrollments constituting 20 percent or more of their students.

But the experiences of many Indian tribes and communities, in attempting to assure the highest quality of education services possible for their children, demonstrates that these promises of other services which will effectively replace lost Title IV programs may never materialize. Because Title IV emphasizes the cultural and academic needs of Indian students as Indians, it has offered education opportunities which other programs cannot. Too often, unfortunately, other programs "serve" the needs of Indian students only because the students are enrolled in the schools without necessarily providing any direct educational assistance to them. Chapter 1 services, for example, may "serve" Indian students because they are disadvantaged, but seldom are specific Indian educational programs designed for Chapter 1 funds. Similarly, bilingual programs may "serve" Indian students, but often this may mean that a student learns Spanish instead of his tribal language.

The rescission for 1983.—In addition to requesting zero funding for Title IV programs in 1984, the President's budget asks Congress to rescind over $16 million of the appropriations already approved for the current year. This rescission would take place in the following areas of Title IV:

	In millions
Part A	$13
Part B	3
Part C	.128
Total	16.128

These cut backs would, according to the President's rescission proposal, ". . . begin phase-down activities in 1983, allowing orderly program termination in 1984." Before the proposed rescission can be carried out, however, the President's request must receive approval from the Congress. This approval would be necessary within 45 days of the date on which Congress received the rescission request: for this year, by approximately March 17, 1983.

Such congressional approval seems unlikely. In a May 6, 1982 report to the Congress, the U.S. Comptroller General discussed the authority of the President, under the Impoundment Control Act of 1974, to request rescissions of appropriated funds. This analysis concluded that the President lacks authority to seek rescissions of programs which involve "mandatory spending." Among the programs so considered, the Comptroller General found, is Title IV of the Indian Education Act. Unfortunately, until after the time has run out for Congress to approve the rescission, the

Office of Indian Education (OIE) of the Department of Education must act as if the rescission were in effect. This means, in practical terms, that necessary plans and decisions to administer Title IV cannot be carried out. Ultimately, Indian education programs—and the students they serve—are affected adversely.

ELIMINATION OF TITLE IV: IMPACTS ON THE WARM SPRINGS RESERVATION

The Warm Springs Reservation in north-central Oregon encompasses over 660,000 acres and adjoins five Oregon counties. The majority of the reservation's 2,600 residents live in the south-eastern portion in Jefferson County, a rural and largely agricultural county. Since the early 1960s, the reservation has been a part of the Jefferson County School District No. 509-J, which has provided public school services both on and off the reservation to tribal students. The district operates one elementary school on the reservation and provides transportation services off the reservation for students to attend junior and senior high school in Madras, the county seat located 15 miles south of the reservation's largest community—Warm Springs. In recent years, Indian students have comprised approximately one-third of the district's enrollment.

Although state and local taxes constitute a significant portion of the district's operating revenues, federal and tribal contributions are also an important segment of the district's budget. A school district study in the late 1970's determined that the presence of Indian students in the district attracted from 35 to 45 percent of the district's budget from federal and tribal sources. These are funds which would not be available if Indian students from the Warm Springs Reservation did not attend public school, and these are funds which help underwrite the costs of education for all students in the district.

In 1982-83, the school district faced a short-fall of approximately $600,000 in its general fund budget of approximately $7 million. (Of this total budget, 45 percent is derived from state revenues, 33 percent from local property taxes, and 32 percent from federal and other sources.) To balance its budget, the district required nearly 30 percent more from local sources. After several unsuccessful referenda, the distirct finally received approval for increasing its local levies.

One immediate consequence of these budget difficulties was the district's decision to close one of the Warm Springs Reservation's two elementary schools: the school at Simnasho on the northern end of the reservation. Because of the unique setting and community support of this school, and because of the strong tribal curriculum which the school incorporated, the closure of the Simnasho School was particularly difficult for the Warm Springs community to accept.

But in addition to these cutbacks in the district's basic education programs, supplementary federal services—many of which serve Indian students—channeled through the State of Oregon were also lost. For example, in 1981-82, the district received approximately $600,000 in funds for disadvantaged, Indian, handicapped, or migrant students' special educational needs. Last year, nearly $100,000 less was available for these services; and approximately two-thirds of this loss was caused by a reduction in Title IV Indian Education funds.

For 1983-84, the public school district and the Confederated Tribes face an equally dismal education budget. At present, the district projects a short-fall of nearly $700,000 (or approximately 10 percent) in the general fund revenues which will be available to it. In addition, if the President's proposed budget were adopted, the district would lose much of its present funds for Title IV Indian Education services this school year and all of these funds (approximately $140,000 at present) by 1985. The district superintendent believes that, despite the Reagan administration's assertions to the contrary, none of these lost revenues could be replaced from other sources.

What impact would the loss of Title IV Indian Education services have on students from the Warm Springs Reservation?

The superintendent of the Jefferson County School District 509-J, Darrell Wright, has predicted the following outcome:

"Currently Title IV funds support alternative education, counseling, teacher aides, and enrichment activities that otherwise would not be provided. Title IV funds have filled a need for American Indian students that predictably would not be replaced with local taxes. . . .

"The district general fund budget totals $7,035,984. Current estimates place the 1983-84 general fund budget at $7,700,000. With this impending increase in local taxes, funding of special programs for special purposes would become virtually impossible.

"Since the beginning of the Indian Education Act funds, District 509-J has been able to provide important supplementary programs for American Indian students

and has been able to establish regular on-going communication with parents involved in assisting with planning of the special supplementary programs. With loss of the funds, we might anticipate a decrease in parental involvement in school district planning.

"The District has sub-contracted with the Confederated Tribes of Warm Springs to offer supplementary programs under Johnson-O'Malley funds. . . . Similar to Indian Education Act funds, JOM funds have been productively used to benefit American Indian students and provide supplementary services that otherwise would not be provided."

As Superintendent Wright has noted, the likelihood that any lost Title IV programs could be replaced is extremely remote. Not only are education resources from the federal government being reduced, but other programs from state and tribal governments face similar cutbacks.

The State of Oregon faces major deficits this biennium. Unless new, and highly controversial, revenue sources are approved by the Oregon Legislature this session, severe reductions in state basic school support are expected. While these reductions would obviously be spread across all districts in the state, their impact on Indian students at Warm Springs would be significant nonetheless. At present, these potential changes cannot be measured. In addition, tribal government at Warm Springs must also cope with serious budget constraints. Last year, nearly two-thirds of the funds which supported vocational training on the reservation disappeared. Overall, tribal government has eliminated over $230,000 in education services from its budget for 1983—a decrease of 32 percent. The Bureau of Indian Affairs, which historically has furnished an education specialist on the Warm Springs Reservation, has also withdrawn this position and reassigned it to the Portland Area Office to provide services to several reservations. Despite its commitment to education as a high priority, Warm Springs tribal government cannot maintain the level of support for education which the community is accustomed to receiving and which the Confederated Tribes requires if it is to continue to develop its capability to manage its own affairs.

It is impossible to predict what actions Congress will take as it develops the budget for fiscal year 1984. But at least two outcomes are clear: the level of federal support for Indian education will not be adequate to meet all the education needs of Indian students, and it likely will not be adequate to provide needed supplementary services for the unique cultural and academic needs of Indian students. Overall, the uncertainty over program appropriations will make it impossible to implement long-range planning for Indian education through cooperative tribal, state, and federal efforts.

DIBÉ YÁZHÍ HABITIIN ÓLTA' INC.,
BORREGO PASS SCHOOL,
Crownpoint, N. Mex., March 3, 1983.

Congressman CARL D. PERKINS,
Chairman, Education and Labor Subcommittee on Elementary, Secondary and Vocational Education, Washington, D.C.

DEAR CONGRESSMAN: Please accept the attached comments authorized by the Borrego Pass School Board as supplement, for the record, to testimony offered in hearings on the proposed phase-down and termination of the Title IV program by the Association of Contract Tribal Schools (ACTS) and/or the Navajo Tribe.

The Board, an all-Navajo cc ·tractor-operator of a previously BIA school since 1971, would very much appreciate your support in maintaining the Title IV program intact. It is the least "prescriptive", most useful single fund source we have in developing effective educational programs for our students.

Respectfully,

DONALD D. CREAMER,
Executive Director, Borrego Pass School.

Attachments.

IMPACT OF TITLE IV PHASE DOWN IN FY 83 AND TERMINATION OF FY 84
AS PROPOSED BY THE REAGAN ADMINISTRATION

The rationale for the proposed phase-down and termination of the Title IV Indian Education program is that the program provides "separate funding for Indians not on reservations", and that program beneficiaries are "eligible for services under other programs" such as Chapters 1 and 2, Vocational and Adult Education, Title VII, Impact Aid, and various Student Aid programs, as well as BIA OIEP programs. This rationale appears based upon a recently promulgated Indian Policy statement which substitutes "Self-Government" for Self-Determination", emphasizes "government to government" relationships between the United States and tribes to the total exclusion of any moral and legal obligation of the United States to Indian people as such, and thereby lays the groundwork for restricting Federal funding for Indian Education to assistance to Tribal Governments (through BIA), and assistance to State and Local Governments primarily through Education Block Grants & Chapter I aid to the disadvantaged under which Indians are treated as just one more minority.

The impact of this abrogation of direct Federal responsibility for educational services designed to meet the unique educational needs of Indian students as such will be massively negative. Indian students are not just another minority, whether in reservation schools or urban centers. Many off-reservation students were put there by deliberate Federal re-location programs. And many on-reservation Indian students are served by public school districts which depend upon Title IV for the special resources to meet their needs. The "other programs" for which Indian students are said to be eligible do not serve the same purposes as Title IV, and cannot substitute for it (and many of them are also severly cut in the proposed budget, besides). Where Indian students are eligible for these programs, they are already receiving benefits in addition to Title IV services: and not all Indian students are eligible for all these programs. For example, students at our school (Borrego Pass BIA Contract School) are eligible for only Chapter I, Title VII, and BIA School Operations. BIA School Operations covers only basic school operations, and Chapter I and Title VII are among the most "presciptive" Federal programs in existence, neither being able to provide for the kind of bilingual, bicultural, biliterate programming which have been developed to serve our students' unique needs.

In the past several years, Title IV has provided the only viable program development resources available. "Standard" educational approaches do not work with our students. Indeed, they are not working with Indian students in general, as the following table shows:

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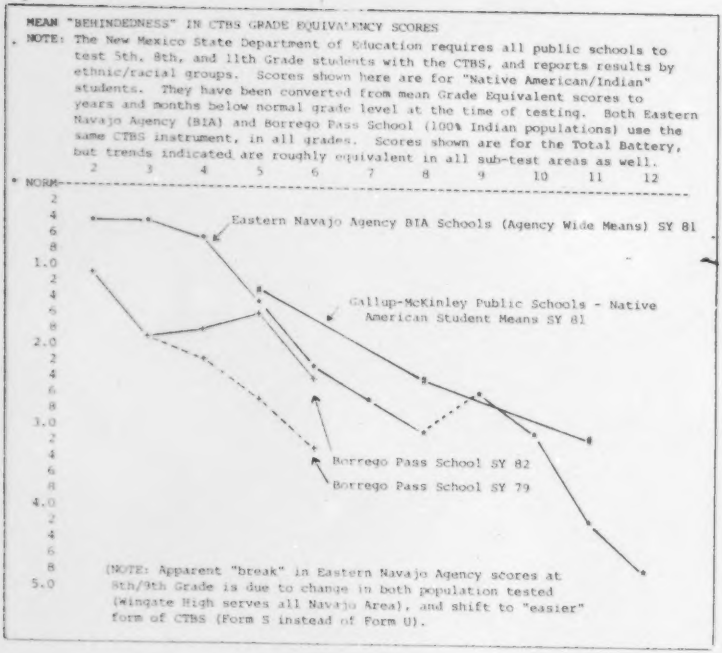
MEAN "BEHINDEDNESS" IN CTBS GRADE EQUIVALENCY SCORES
NOTE: The New Mexico State Department of Education requires all public schools to test 5th, 8th, and 11th Grade students with the CTBS, and reports results by ethnic/racial groups. Scores shown here are for "Native American/Indian" students. They have been converted from mean Grade Equivalent scores to years and months below normal grade level at the time of testing. Both Eastern Navajo Agency (BIA) and Borrego Pass School (100% Indian populations) use the same CTBS instrument, in all grades. Scores shown are for the Total Battery, but trends indicated are roughly equivalent in all sub-test areas as well.
2 3 4 5 6 7 8 9 10 11 12
NORM
Eastern Navajo Agency BIA Schools (Agency Wide Means) SY 81
Gallup-McKinley Public Schools - Native American Student Means SY 81
Borrego Pass School SY 82
Borrego Pass School SY 79
(NOTE: Apparent "break" in Eastern Navajo Agency scores at 8th/9th Grade is due to change in both population tested (Wingate High serves all Navajo Area), and shift to "easier" form of CTBS (Form S instead of Form U).

As the table shows, even those Indian students in the most "assimilated" urban school districts start below "national norm", and year after year fall further behind. Our students at Borrego Pass start even further below norm (approximately 72% speak no English at all on school entry, and all live on rural mud roads in almost complete isolation from the "outside world"). As few as three years ago, they also fell further behind with each year in school, but by the end of last school year they were beginning to catch up with every year from Third Grade on (the first grade at which we both teach and test in English). This is as a direct result of the development of curricula for bilingual instruction under Title IV Parts A and B to support instructional methods developed under Title IV Part B in earlier years.

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Such program development is critical if the unique educational problems of Indian students are to be solved, instead of simply destroying these students by attempting to force them into a dominant cultural mold. Borrego Pass School has gone about this task in order to meet the particular needs of our own students, beginning with the skills they have when they come to school (native language, culture, social relationships, knowledge of local environment, etc.) instead of assuming that they must by "converted" into English speakers before they can learn anything worthwhile. Other schools, whose entering students have a different "mix" of skills, have been making parallel efforts for their own students. Without Title IV funding, there will be no resources available for this effort.

"Dominant culture" schools serve large populations of "average" students, and do not have to develop educational programs to meet these "average" needs. There are enough students, enough alike, to provide a profitable market for commercial program developers to exploit, and development costs are amortized in the costs of curriculum purchase. All the school administrator has to do is "select" from a variety of competing standard products. This is not true of Indian schools. Further, BIA, which should have incorporated massive program development efforts in its programs years ago, did not, and now has no resources not already committed to basic operating costs. Consequently, its schools are dependent upon the same educationally inappropriate standard commercial curricula as the public schools. Only the Indian controlled schools and Title IV programs have been attempting to develop fully appropriate instructional programs for their students.

Finally, one of the strongest aspects of Title IV has been its emphasis upon parental involvement, and willingness to incorporate this into its projects. With Indian communities this is a lengthy process, and is dependent to a large degree on allowing parents actual control of project aspects. None of the other programs for which we are eligible really have this emphasis because they are so narrowly prescriptive of what can be done with the funds. It has been in Title IV that the parents could really set priorities about what they wanted done, and create programs to do it.

It is our belief that the Administration "party line", that "The Federal role in meeting education...needs should be limited to those specific areas where a demonstrated Federal responsibility exists" and that "Historically, the responsibility for meeting most of these needs has tested with State and local governments and the private sector" has been falsely applied to Indians. Its rhetoric in the President's new Indian Policy statement of "returning responsibility for services to Indians to Tribal Governments" is simply absurd. Historically, the Federal Government, at its own initiative, required Indian Tribes to accept educational provisions in Treaties allowing the Federal Government to educate Indian children. Treaty commitments were made to provide a teacher and classroom for every 30 Indian students, with no restrictions or commitments as to whether such classrooms would be "on reservation" or not. Initially most

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such classrooms were deliberatly located as far from the reservation as they could possibly be located.) No distinctions were made as to whether these would be "Federal", "State", or "other" schools, and initially many of these classrooms were provided by missionary societies and churches in search of Indian converts. At no time (historically) have Indian Tribes and/or Indian Parents had the responsibility for providing schools, or paying for them. The Administration's cheap attempt to substitute the term "Government" for "Determination" in interpreting Pub. L. 93-638, and then to use term "local, State and Tribal Governments" as a bridge for including Indian Tribes in its "New Federalism", is simply another form fo the "big lie" so familiar since the 1940s.

We earnestly urge the responsible Members of the Congress to reject this effort, and to fully fund Title IV for both FY 83 and 84. And we suggest that findings of the Comptroller General regarding the applicability of the Impoundment Control Act (copy attached) in FY 82 also apply to 83, and should apply to any appropriation for FY 84.

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COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON D.C. 20548

May 6, 1982

B-205053

To the President of the Senate and the
Speaker of the House of Representatives

On February 5, 1982, the President's eighth special message for fiscal year 1982 was transmitted to the Congress pursuant to the Impoundment Control Act of 1974. The special message proposed 22 rescissions of budget authority totalling $10,655 million, 14 new deferrals totalling $2,334 million, and revisions to seven previously reported deferrals which increase the amounts deferred by $768 million. On February 19, 1982, the President submitted his ninth special message for fiscal year 1982, reporting a $2 million reduction in the amount proposed for rescission in rescission proposal R82-23 (Mine Safety and Health Administration). In his eleventh special message for fiscal year 1982, dated April 23, 1982, the President reduced by $3.4 billion the amount proposed for rescission in rescission proposal R82-21 (subsidized housing programs).

The 45-day period during which the funds proposed for rescission could be withheld pending congressional consideration of a rescission bill ended on Friday, April 23, 1982, without Congress having passed any such bill. The withheld funds were released by OMB on Monday, April 26, 1982.

In our report to Congress dated March 10, 1982, we explained in detail our interpretation of section 1001(4) of the Impoundment Control Act, the so-called "fourth disclaimer," which provides that the Act does not supersede any other provision of law requiring the obligation or expenditure of budget authority. Briefly stated, our analysis requires examination of the statutory scheme involved for evidence of a congressional mandate to spend the funds appropriated for the particular program. In the following report, we identify the rescission proposals submitted in the eighth and ninth special messages which involve mandatory spending programs under our analysis of section 1001(4). In our view, the Impoundment Control Act does not authorize impoundments of funds for these programs.

FUNDS APPROPRIATED TO THE PRESIDENT

R82-4 International Development Assistance
Functional Development Assistance Program
Food and Nutrition
Education & Human Resources
11X1023
11X1025

GAO/OGC-82-11

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B-205053

The following programs in which funds were proposed for rescission involve a mandatory spending statute under our analysis of the fourth disclaimer: Career Education Incentive Act, (grants) 20 U.S.C. §§2604-2608; Education Amendments of 1978 (territorial teacher training assistance), 92 Stat. 2379.

An agency official in the Women's Educational Equity (WEE) program told us that the development and dissemination of curriculum and training materials probably would not be done by the States because of the expense involved. The official also said that the rescission would eliminate funding for higher education and community-based WEE activities; 20 new grants; 20 continuation grants; five contractor-operated demonstration projects in five school districts; and the contractor-operated WEE publication center.

With regard to the Follow Through program, an official told us that the rescission would eliminate funding for over 37,000 children, 1200 teachers, 1800 aides (primarily low-income parents of children in the program) and 105 administrators in 84 projects in 37 states. In addition, programs at 16 institutions of higher education would not be funded. A current GAO review has raised questions about the continued value of the Follow Through program. The program was established to assist graduates of Head Start and similar preschool programs to sustain the gains achieved under these programs. However, there are indications of improvements in the effectiveness of the Head Start program and Head Start graduates who need assistance are eligible to obtain it through other programs available for educationally disadvantaged children.

An official for the Career Education program told us that the proposed rescission would eliminate funding for three contracts totalling $480,000, and for 12 positions in the Department of Education and up to 49 State coordinators.

R82-11 Office of Elementary and Secondary Education
Indian Education
9120101

The following program in which funds were proposed for rescission involves a mandatory spending statute under our analysis of the fourth disclaimer: Indian Education Act, Part A (impact aid), 20 U.S.C. §§241aa-241ff.

R82-12 Office of Special Education and Rehabilitative Services
Education for the Handicapped
9120300
912/30300
911/20300

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A RESOLUTION OF THE BOARD OF DIRECTORS OF
DIBE YAZHI HABITIIN OLTA, INC.,
BORREGO PASS SCHOOL BOARD

Authorizing submission of comments on Appropriations issues affecting Indian Education programs, on behalf of and in the name of the Borrego Pass School Board

WHEREAS:

1. The Reagan Administration has submitted Appropriations Requests to the United States Congress for Fiscal Year 1984; and

2. Specific requests for several programs of the United States Government will directly affect the Borrego Pass School, and other requests will directly affect the education of students and people living in the School service area; and

3. The Borrego Pass School Board has reviewed these requests and discussed the potential impact of amounts requested, or recissions requested by the Administration, upon the students of the School; and

4. The Borrego Pass School Board has given instructions to school administrators as to which issues are to be addressed in comments by the school, and in what regard.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Borrego Pass School Board hereby authorizes the Executive Director of the Borrego Pass School to draft comments on the various Appropriations issues identified by the Board in accordance with its instructions; and

2. The Borrego Pass School Board hereby authorizes submission of these comments in the name of, and on behalf of the Board, to the various Committees, sub-Committees, and Members of the Congress which will deal with these Appropriations issues; and

3. In particular, the Borrego Pass School Board instructs the Executive Director to submit comments objecting to the proposed recissions in the Title IV, Indian Education Act, program, and the Administration's plan to "terminate" Title IV in F.Y. 1984, in keeping with the draft paper on this topic reviewed this date by the Board.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered at a properly called meeting of the Borrego Pass School Board, being the Board of Directors of Dibe Yazhi Habitiin Olta, Inc., at which a quorum was present, and that the same was passed by a vote of 5 in favor and 0 opposed, this 22nd day of February, 1983.

Presiding — Vice President (Title) — 2/22/83 (Date)

Secretary — 2/22/83 (Date)

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CLAYTON PUBLIC SCHOOLS,
Clayton, Okla., February 24, 1983.

Hon. JAMES R. JONES,
Cannon House Office Bldg.,
Washington, D.C. 20515

DEAR REPRESENTATIVE JONES: I am concerned that the Reagan Administration has proposed zero funding for the Indian Education Act (better known as Title IV) for the fiscal year 1984. I am also concerned that the Reagan Administration has proposed a $16.1m recission to the fiscal year 1983 budget which will reduce the appropriations for the Indian Education Act from $67.247m to $67.247m to $51.147m. I ask your support in opposing these proposed actions. The minimum for the Indian Education Act would be level funding at the Congressional proposed level of $67.247m for both fiscal year 1983 and fiscal year 1984. This would still represent a reduction in funds due to inflation, but would still be in line with holding down federal spending and provide needed service to the American Indian and Alaska Native population of the United States.

The Indian Education Act is the most significant Indian education Legislation passed by the Congress in the past 50 years. The opportunities for improving the quality of life and education for Indian youth and adults via the Indian Education Act are tremendous. As tribes and Indian individuals move toward social and economic independence, many barriers still exist. Changing technology requires specifically prepared and trained people to fill needed areas; self-determination requires an understanding of ones self and the larger society; improved economic conditions requires employment opportunities. These requirements can be met through education.

Part A of the Indian Education Act provides Indian Students supplementary assistance in public schools to overcome cultural and academic barriers in the basic education provided by the States.

Part B of the Indian Education Act provides Indian Tribes, Indian Institutions and Indian organizations the opportunity to self direct educational programs that benefits Indian individuals and to meet Tribal needs.

Part C of the Indian Education Act provides Indian Adults the opportunity to upgrade their skills and education to become more employable and improve the quality of their and their families lives.

There have been improvements as a direct result of the Indian Education Act but the job is not finished. Ten years of the Indian Education Act cannot correct 200 years of benign neglect of the American Indian.

Thank you for your assistance in supporting the continued funding and re-authorizing of the Indian Education Act. Please contact Chairmen Yates and McClure and ask that this information be submitted for the record when hearings are held on the Indian Education Act.

Sincerely,

W. S. CHANDLER,
Superintendent.

NATIONAL INDIAN EDUCATION ASSOCIATION,
Minneapolis, Minn., March 3, 1983.

Hon. CARL D. PERKINS,
Chairman, House Committee on Education and Labor, U.S. House of Representatives,
Washington, D.C.

DEAR CHAIRMAN PERKINS: Enclosed is our prepared statement on the FY84 Administration's budget for Indian Education. Please make it part of the record of the recent Elementary, Secondary and Vocational Education Subcommittee hearings on Bureau of Indian Affairs, Indian Health Service and Indian Education Act budgets.

National Indian Education Association (NIEA) is deeply concerned about the President's proposed "termination" of Title IV, Indian Education Act programs. As our testimony indicates, NIEA recommends the reauthorization and full funding of Title IV in FY84. The support of the Committee on Education and Labor is appreciated. Please contact NIEA if we can be of assistance to the Committee.

Sincerely,

JOHN TIPPECONNIC,
President.

Enclosure.

PREPARED STATEMENT OF JOHN W. TIPPECONNIC III, PRESIDENT, NATIONAL INDIAN EDUCATION ASSOCIATION

Mr. Chairman and Members of the Committee. My name is John W. Tippeconnic, III. I am the President of the National Indian Education Association (NIEA). NIEA is a membership organization with a national constituency of 1300 members possessing vital concerns and involvement in the different programs designed to improve the status of Indian education. The Association is governed by a fifteen member, all Indian Board of Directors, who are elected by the membership and who represent diversified geographic and tribal backgrounds.

If the Reagan Administration has its way, the future of Indian education is in serious jeopardy. There is a state of frustration, confusion and uncertainty about what is going to happen in Indian education. The Administration has questioned the federal role in education by openly stating that the education of American Indians is not a trust responsibility. The result could be the disappearance of Indian education programs, including Bureau of Indian Affairs education. The President has already proposed the termination of Title IV in the FY84 budget. NIEA believes the Administration's position is erroneous and that human development or the education of American Indians is a trust responsibility. Treaties, court-decisions, Congressional reports and Act support our claim.

NIEA is concerned with the totality of programs that affect American Indian students. However, our testimony will focus on the Administration's FY84 budget proposal to terminate Title IV, Indian Education Act programs. Certain recommendations will also be made concerning the Bureau of Indian Affairs and Indian Health Service budgets.

TITLE IV, INDIAN EDUCATION ACT PROGRAMS

NIEA is strongly opposed to the Administration's proposed $16 million recission in 1983 and is deeply concerned about the proposed $1 million "phaseout and termination" budget request for fiscal year 1984. The Administration contends that the termination of Title IV is justified given their "policy regarding separate funding for Indians not on reservations" and that "$250 million will be available to benefit Indian students participating in the Impact Aid, Chapter 1, Bilingual Education and Vocational Education programs." Other programs are also mentioned for which Indians are eligible participants.

NIEA questions the Administration's justification for the following reasons:

Their policy of funding only reservation Indians is in direct violation of the Federal Government's responsibility for Indian education. Indian students have special educational needs regardless of where they live. We believe that Title IV was passed in recognition of the Federal responsibility for the education of American Indians. And the intent of Title IV was to be inclusive by having the provisions of the Act apply to all Indians, Eskimos and Aleuts in this country (S. Rep. 92-346).

NIEA questions whether $250 million will be available to Indian students participating in Impact Aid, Chapter 1, Bilingual Education and Vocational Education programs. Especially at a time when these programs are experiencing budget reductions and when block grants to states are increasing. We request that this Committee on Appropriations ask the Administration for a detailed account of past, present and future Indian participation in these programs and clearly show how these programs will meet the educational needs of Indian students currently addressed by Title IV programs.

We also resent the Administration implying that these programs (Impact Aid, Chapter 1, Bilingual Education, Vocational Education and others) will take the place of Title IV. Those programs are for different purposes and meet different educational needs. In fact, there have been two GAO audits that investigated duplication of services between Title IV and other education programs. Both found duplication to be mininal.

NIEA opposes the Administration's proposal to terminate special Indian legislation and lump Indian students into programs with minority groups. Title IV represents Federal recognition and responsibility for Indian education and has nothing to do with other legislation designed to address problems of students who meet certain educational, social or economic criteria.

Impact of Title IV

In 1972 Congress passed the Indian Education Act in recognition of the special educational and culturally related academic needs of Indian students (as amended). The Act authorized three major programs, two (Parts B and C) provide discretionary funds to Indian tribes, Indian organizations and institutions. A fellowship program

is also included. The third, and largest, program is Part A which provides entitlement funds to public schools and Indian Controlled Schools to meet the culturally related academic needs of Indian students. Since 1972 Title IV has developed into a major Indian education program that is recognized nationwide for its success in meeting the educational needs of Indian students. Selected comments about Parts A, B, and C follow:

Part A

An estimated 315,602 Indian students are being served in fiscal year 1983. Termination of Title IV would result in over 300,000 students without programs to meet their educational needs.

A national process evaluation of Part A in 1978 found that there were perceptions of improvement in all educational and social aspects of the Indian child. The improvement was directly attributed to Title IV. The evaluation went on to recommend that the funding of Part A should continue and be increased in future years.

Meaningful parental involvement has increased significantly. Over 11,000 parents are actively involved in Part A Parent Committees.

Approximately 6,500 professionals, paraprofessionals and support staff are employed by Part A projects.

Part B

During fiscal year 1981 8,028 participants were involved in 70 projects. For fiscal year 1983 4,208 participants are involved in 45 projects. The high figure of 8,028 represents only a part of the Indian population that have expressed educational need under Part B.

The Educational Personnel Development and Fellowship programs have been highly successful in developing educational/professional leadership that is now making its presence felt in schools, tribes, professional organizations and governmental agencies.

Part C

During fiscal year 1981 15,732 participants were involved in 50 projects. For fiscal year 1983 9,739 participants are involved in 29 projects. The high figure of 15,732 represents a small part of the Indian population that have expressed needs in adult education.

Activities have resulted in the reduction of the illiteracy rate, increased the mastery of basic skills, increased the development of relevant curriculum materials and increased GED attainment.

NIEA is concerned that the National Advisory Council on Indian Education has not been able to carry out its functions as mandated in the Indian Education Act. We request adequate funding for NACIE to meet its mandate.

NIEA opposes the Administration's belief that Title IV is an "unnecessary program." We feel Title IV should continue and be increased in funding if we are to continue the progress made since 1972.

RECOMMENDATIONS

Title IV, Indian Education Act programs

1. That the Administration's proposed fiscal year 1983 recission be rejected.
2. The full authorized funding level for Title IV programs in fiscal year 1984 or at the very least the fiscal year 1981 appropriation of $81,680,000.
3. That the Committee review the following data sources in making fiscal year 1984 budget decisions: (A) The process evaluation of Title IV, Part A completed in 1978; (B) The results of the National Impact Evaluation of Part A, scheduled for completion this Spring; (C) The follow-up Study of participants in the Fellowship and Educational Personnel Development Programs; and (D) The results of the National Adult Indian Education Need Survey completed in 1981.

Bureau of Indian Affairs

1. NIEA is opposed to the fiscal year 1984 proposed decrease in funding for the Johnson-O'Malley Program and the Higher Education Student Grant Program and recommends that both be funded at the fiscal year 1983 levels.
2. NIEA recommends that the fiscal year 1984 budget for Tribally Controlled Community Colleges allow sufficient funds to allow $4,000 per Indian FTE.
3. NIEA recommends that no off-reservation boarding school (Mount Edgecumbe, Concho, Wahpeton and Intermountain) be closed until the GAO report had been considered and until active and proper consultation has taken place with the affected Tribes.

Indian Health Service

NIEA recommends that the INMED Program continue to be funded as a line item in the Indian Health Service budget and that the fiscal year 1984 funding be at the current level of funding.

In conclusion, the Indian Education Act has faced a difficult and trying history. In October 1972, Congress appropriated $18 million to start the program. In January 1973, President Nixon impounded the appropriation and asked Congress to take the money back. Two law suits (*Redman* v. *Ottina* and *Minnesota Chippewa* v. *Weinberger*) led to a U.S. District Court decision that ordered release of the funds and directed the Office of Education to "obligate or expend" the funds by June 30, 1973.

During this time complications arose in the naming of the National Advisory Council on Indian Education and the establishment of the Office of Indian Education in the United States Office of Education/HEW.

NIEA recognizes that, time and time again, Congress has taken the leadership in maintaining and supporting growth in Title IV, Indian Education Act programs. Today, we are at another critical point in the history of Title IV. NIEA requests that Congress, thru appropriations, continue to exercise the necessary leadership and fund Title IV in fiscal year 1984 (at least at the fiscal year 1981 level) so that American Indian students across this nation will continue to receive services to meet their educational needs.

MILWAUKEE PUBLIC SCHOOLS,
DIVISION OF CURRICULUM AND INSTRUCTION,
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION,
Milwaukee Wis., February 18, 1983.

Marilyn Hargett,
House Committee on Education and Labor,
Washington, D.C.

DEAR MARILYN: Please submit the enclosed information for inclusion as written testimony for the House Committee on Education and Labor's hearing on Title IV of the Indian Education Act scheduled for Tuesday, February 22, 1983 and for the House Appropriations Committee on Interior and Related Agencies hearing on Friday, February 25th.

You assistance in this matter is appreciated.

Sincerely,

PATRICIA AZZOLINA,
Secretary, We Indians Parent Committee.

Enclosure.

WE INDIANS PROGRAM (TITLE IV, PART A) MILWAUKEE PUBLIC SCHOOLS—AN OVERVIEW

We Indians is a federally funded program (Indian Education Act, Title IV, Part A) serving the special and culturally related academic needs of 1,057 Indian students in the Milwaukee Public Schools. The 1982-83 funding level of $190,501 supports ten (10) Indian staff positions in the Milwaukee Public Schools: 1 Program Coordinator, 1 Program Secretary, 1 Cultural Heritage Instructor, 5 Indian Student Advisors and 2 Home-School Coordinators. Since its inception in 1973-74 the program's impact in helping to equalize educational opportunities for Indian children served has been positive and substantial.

1980-82 We Indians statistics show that:

1. 180 K-8 Indian students schooled in their cultural heritage improved their self-image by 22 percent on a pre-post basis.

2. 150 D-8 Indian students below average in reading achievement increased their average reading achievement scores by an average of a +.6 stanine level over a two-year period.

3. 39 out of 59 or 66 percent of the 1981 and 1982 Indian graduating seniors obtained postsecondary educational placement.

4. 102 Indian students with severe school attendance problems (more than 30 days absent per semester) in 1979 has been reduced to 34 in 1982 (a 66 percent decrease).

5. the 9th through 12 grade Indian student dropout attrition rate has been reduced from 50 to 34 students from 1979-1982 or from 59 percent in 1979 to 41 percent in 1982.

6. the number of Indian students in high school career specialty programs has increased from 10 in 1980 to 50 in 1982 (from 3 percent to 20 percent of total high

school indian students) as a result of We Indians efforts to resolve Indian student school assignments problems under the school district's court-ordered desegregation plan.

7. under court-ordered desegregation plans the We Indians program has assisted parents of 88 Indian students to secure satisfactory school assignments.

8. 535 out of 1,151 or 46 percent of Indian student school adjustment problem referrals have been successfully resolved for the educational benefit of the Indian students involved.

Rescission and elimination of Title IV Indian education funds will seriously impair and then eliminate national level efforts to equalize educational opportunities for American Indian children, at a time when efforts are just now coming to fruition.

PROPOSED FEDERAL EDUCATIONAL PROGRAM SUBSTITUTES FOR TITLE IV INDIAN EDUCATION AND THE INDIAN SELF-DETERMINATION ACT (PUBLIC LAW 93-638)

Secretary of Education Terrel Bell's proposal to substitute Chapters 1 and 2 of the Educational Consolidation Improvement Act, Vocational and Adult Education, Bilingual Education, Impact Aid, and all Student Aid programs for the Title IV Indian Education Act ignores the fact that these programs have no accountable linkage with the Indian Self-Determination Act to insure the presence of Indian competence role models wherever Indian children are to be served. Without an accountable linkage to the Indian Self-Determination Act through Congressional legislation and Administrative rulemaking Secretary Bell's and ultimately President Reagan's proposal to substitute these programs for Title IV will result in nothing more than an automatic giant step back into the Congressional repudiated coercive assimilation policies of cultural amnesia designed to erase Indian children's identity as American Indians and to convert them into easily exploitable human robots. In this context President Reagan's Title IV Indian Education Fiscal Year 1983 budget rescission and his Fiscal Year 1984 cancellations signal his intent to retreat to coercive assimilation policies which "Indian Education: A National Tragedy, A National Challenge" (1969) summarized as follows:

[From: Indian Education: A National Tragedy—A National Challenge]

SUMMARY OF HISTORICAL FINDINGS

I. POLICY FAILURE

The dominant policy of the Federal Government toward the American Indian has been one of coercive assimilation. The policy has resulted in:

A. The destruction and disorganization of Indian communities and individuals.

B. A desperately severe and self-perpetuating cycle of poverty for most Indians.

C. The growth of a large, ineffective, and self-perpetuating bureaucracy which retards the elimination of Indian poverty.

D. A waste of Federal appropriations.

II. NATIONAL ATTITUDES

The coercive assimilation policy has had a strong negative influence on national attitudes. It has resulted in:

A. A nation that is massively uninformed and misinformed about the American Indian, and his past and present.

B. Prejudice, racial intolerance, and discrimination toward Indians far more widespread and serious than generally recognized.

III. EDUCATION FAILURE

The coercive assimilation policy has had disastrous effects on the education of Indian children. It has resulted in:

A. The classroom and the school becoming a kind of battleground where the Indian child attempts to protect his integrity and identify as an individual by defeating the purposes of the school.

B. Schools which fail to understand or adapt to, and in fact often denigrate, cultural differences.

C. Schools which blame their own failures on the Indian student and reinforce his defensiveness.

D. Schools which fail to recognize the importance and validity of the Indian community. The community and child retaliate by treating the school as an alien institution.

E. A dismal record of absenteeism, dropouts, negative self-image, low achievement, and, ultimately, academic failure for many Indian children.

F. A perpetuation of the cycle of poverty which undermines the success of all other Federal programs.

IV. CAUSES OF THE POLICY FAILURE

The coercive assimilation policy has two primary historical roots:

A. A continuous desire to exploit, and expropriate, Indian land and physical resources.

B. A self-righteous intolerance of tribal communities and cultural differences.

NACIE Concurs.

RECOMMENDATION

Since Secretary Bell's and President Reagan's proposal to substitute other educational programs for Title IV makes no provision to support the right of Indian citizens to control the educational activities affecting their children as specified in the Indian Self-Determination Act, and, since Title IV so provides, Title IV should be retained over any alternate proposal to the contrary to maintain this basic right of Indian citizens which the Indian Self-Determination Act recognizes and upholds. Furthermore it is recommended that President Reagan's proposed $16 million rescission for fiscal year 1983 be denied and that the appropriations for fiscal year 1984 be set at or above the 1983 level. Further, it is recommended that Congress move to reauthorize the Indian Education Act for another five (5) year period.

INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT (PUBLIC LAW 93-638) (RELEVANT SECTION)

AN ACT To provide maximum Indian participation in the Government and education of the Indian people; to establish a program of assistance to upgrade Indian education; to support the right of Indian citizens to control their own educational activities

CONGRESSIONAL FINDINGS

SEC. 2(a) The Congress, after careful review of the Federal Government's historical and special legal relationship with, and resulting responsibilities to, American Indian people, finds that—

(1) the prolonged Federal domination of Indian service programs has served to retard rather than enhance the progress of Indian people and their communities by depriving Indians of the full opportunity to develop leadership skills crucial to the realization of self-government, and has denied to the Indian people an effective voice in the planning and implementation of programs for the Benefit of Indians which are responsive to the true needs of Indian communities; and

(2) the Indian people will never surrender their desire to control their relationships both among themselves and with non-Indian governments, organizations, and persons.

(c) The Congress further finds that—

(1) true self-determination in any society of people is dependent upon an educational process which will insure the development of qualified people to fulfill meaningful leadership roles;

(2) the Federal responsibility for and assistance to education of Indian children has not effected the desired level of educational achievement or created the diverse opportunities and personal satisfaction which education can and should provide; and

(3) parental and community control of the educational process is of crucial importance to the Indian people.

DECLARATION OF POLICY

SEC. 3 (a) The Congress hereby recognizes the obligation of the United States to respond to the strong expression of the Indian people for self-determination by assuring maximum Indian participation in the direction of educational as well as

other Federal services to Indian communities so as to render such services more responsive to the needs and desires of those communities.

(b) The Congress declares its commitment to the maintenance of the Federal Government's unique and continuing relationship with and responsibility to the Indian people through the establishment of a meaningful Indian self-determination policy which will permit an orderly transition from Federal domination of programs for and services to Indians to *effective and meaningful participation* by the Indian people in the planning, conduct, and administration of those programs and services.

(c) The Congress declares that a major national goal of the United States is to provide the quantity and quality of educational services and opportunities which will permit Indian children to compete and excel in the life areas of their choice, and to achieve the measure of self-determination essential to their social and economic well-being.

DEFINITIONS

SEC. 4. For the purposes of this Act, the term—

(a) "Indian" means a person who is a member of an Indian tribe;

(c) "Tribal organization" means . . . any legally established organization of Indians . . . which is democratically elected by the adult members of the Indian community to be served by such organizations and which includes the maximum participation of Indians in all phases of its activities.

WAGE AND LABOR STANDARDS

SEC. 7. (b) Any contract, subcontract, grant, or subgrant pursuant to this Act, . . . for the benefit of Indians shall require that to the greater extent feasible—

(1) preferences and opportunities for training and employment in connection with the administration of such contracts or grants shall be given to Indians; and

(2) preference in the award of subcontracts and subgrants in connection with the administration of such contracts or grants shall be given to Indian organizations and to Indian-owned economic enterprises as defined in section 3 of the Indian Financing Act of 1974 (88 Stat. 77)